



Posted: Friday, June 10, 2022

NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on
TUESDAY, JUNE 14, 2022, at 6:00 PM
at the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA.

CLOSED SESSION BEGINS AT 5:30PM

In accordance with Executive Order N-29-20 and for your convenience, this meeting will also be held via videoconference, hosted on the **Zoom platform**. Learn more about Zoom here: <https://zoom.us>

PUBLIC COMMENT: Public comment may be submitted via email in advance of the meeting, or in an orderly process during the meeting. If you do not have access to email and you would like to provide a written statement, please deliver your comment to 409 Trinity Street, Trinidad CA, by 2:00pm on the meeting day. Email public comments to cityclerk@trinidad.ca.gov

HOW TO PARTICIPATE: You are invited to participate in person at the Trinidad Town Hall, or by Zoom. The City will publish a direct link to the Zoom teleconference, along with the participant code, on the City Calendar page online at <http://trinidad.ca.gov/calendar>

To phone in, dial 1-888-278-0296, Conference Code: 685171 Meeting ID: 897 4748 9420 Passcode: 721179

PLEASE NOTE that live meeting logistics will be prioritized. The quality of the Zoom teleconference meeting cannot be guaranteed. Technical challenges experienced by either the participant or the City will not interrupt or halt progress of the meeting.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. CLOSED SESSION AGENDA PUBLIC COMMENT

At this time, members of the public may only comment on an item appearing on the agenda. Please adhere to the following when addressing the Council: 1) Individual comments will be limited to 3 minutes or less, 2) Comments should be directed to the Council as a whole and not directed to individual Council Members

IV. ADJOURN TO CLOSED SESSION

- 1. Conference with Legal Counsel – Existing Litigation (Gov. Code Section 54956.9: City of Trinidad v. Trinidad Bay Bed & Breakfast/Mike Morgan (Humboldt Co. Superior Court Case No. CV2100112))

V. RECONVENE TO OPEN SESSION

VI. APPROVAL OF AGENDA

VII. APPROVAL OF MINUTES – (05-10-2022 cc & 05-24-2022 cc2 will be reviewed at the next meeting)

VIII. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS

IX. STAFF REPORTS – City Manager & Law Enforcement

X. ITEMS FROM THE FLOOR

At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Comments should be directed to the Council as a whole and not to individual Council Members or staff. Council and staff responses will be minimal for non-agenda items.

XI. CONSENT AGENDA

All matters on the Consent Agenda are considered routine by the City Council and are enacted in one motion. There is no separate discussion of any of these items. If discussion is requested by any Council member, that item is removed from the Consent Calendar and considered separately. A single opportunity for public comment on the Consent Agenda is available to the public.

1. Staff Activity Report – May 2022
2. Financial Statements – April 2022
3. Law Enforcement Report – May 2022
4. Resolution 2022-08; Submitting an LCP Amendment to the Coastal Commission to Amend the Short-Term Rental Ordinance.
5. Resolution 2022-09; Adopting a List of Projects for FY2022-2023 Funded by the SB1 Road Repair and Accountability Act of 2017.
6. Authorize City Manager to Negotiate and Sign Scopes of Work with Consultants GHD and SHN for the Water Storage Tank and Pipeline Replacement Project Grant.
7. Discussion/Decision regarding Trinidad-Westhaven Emergency Intertie Agreement and Grant.

XII. DISCUSSION/ACTION AGENDA ITEMS

1. Discussion/Decision regarding Second Reading of Ordinance 2022-02; Organics Reduction and Recycling Ordinance.
2. Discussion/Decision regarding First Reading of Ordinance 2022-03; Tourist Occupancy Tax Ordinance Amendment.
3. Discussion/Decision regarding Resolution 2022-10; Calling for an Election to Increase the Tourist Occupancy Tax Rate from 8% to 12%.
4. Continued Discussion/Presentation regarding FY 2022-2023 Budget.
5. 2022 General Election Calendar and Upcoming Deadlines.

XIII. FUTURE AGENDA ITEMS

XIV. ADJOURNMENT

APPROVAL OF MINUTES FOR:

MARCH 10, 2022 CC

MARCH 24, 2022 CC2

Supporting Documentation follows with:

0 PAGES

***MINUTES OF THE MAY 10 & 24 CITY COUNCIL MEETINGS WILL BE REVIEWED
AT THE NEXT MEETING.***



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION ATTACHED

1. Staff Activity Report – May 2022

Stormwater Project:

The Stormwater Project is progressing with construction taking place on Van Wycke for the next 2 weeks. Paving is planned to start on July 5th. The project is slated to be completed by July 12th.

Verizon Cell Service:

The new Westhaven cell tower is in operation. Some pockets of poor cell service have been reported. Verizon customers in the greater Trinidad area are encouraged to contact the city to report any change in reception ASAP to assist in addressing cell coverage going forward. The existing cell site on Trinidad Head will be decommissioned once the birding season is over.

Summer Solstice:

The Greater Trinidad Chamber of Commerce presents the Taste of Trinidad on Summer Solstice, June 21st. The event will take place in Saunders Park from 5 pm until 8 pm. Music will be provided by the local group Fred and Wilma. Food, wine and beer will be provided by north county vendors. All are welcome.

Community Yard Sale Update:

23 residents, 6 in Westhaven signed up for the yard sale. The City provided signage to all residents who registered and posted signs to help direct traffic. Due to rain and Covid the actual number of participants was less, however the rain held off until about 12:30pm. The feedback was mostly positive and the advertising seemed very successful. Residents have expressed an interest in doing it again. A huge thanks to Jennifer from Administration who prepared and organized the whole event, and to Ross from Public Works who put out signs and checked on residents during the sale. Signage was saved and is reusable. Staff plans to have better signage for Westhaven and to reach more city residents for the future.

CIRA:

The City Manager attended the CIRA (our insurance JPA) Board meeting in Sacramento. An update on various coverages, costs, market trends, and claims were addressed. There are approximately 45 cities in the JPA including 6 of the 7 Humboldt cities.

Water:

The Water Advisory Committee (WAC) met on June 9th and a number of water issues were discussed. Committee members will be making recommendations at their next meeting as to the objectives of WAC. The next meeting of WAC will be scheduled for either the end of July or the beginning of August, and will be posted on the City's website.

The City this past month again experienced a water loss of over 40%. On July 6th, the California Department of Water Resources (DWR) will provide the City with a Leak Detection Specialist who will test up to 2,000 feet of water service lines for leaks. DWR is providing this service at no charge for small water systems throughout the state. A specialist will revisit the city as needed. In addition, the City through grant funding will start replacing water lines and will seek future grants to eventually overhaul all of the City's aging water pipes.

Scopes of Work for both GHD and SHN will be negotiated in the near future to provide engineering and environmental, planning and design for the two DWR grants that the City has been awarded. These grants are for a new water storage tank, water pipeline replacement, and an emergency intertie with the Westhaven Community Services District.

The Water Plant is on track to start a conversion from Coleman Engineering staff to City staff. Some staff members are currently being trained, and a new hire will be taking their T-3 exam as well as another staff member taking their T-2 exam. Coleman Engineering has used their expertise to make improvements to the operation of the plant. Finished water now shows a 25% reduction in NTU's (suspended particles in the water). Increased run times at the plant have resulted in more frequent tank turnover, leading to a more constant disinfection throughout the system and the use of 5-10% less chlorine.

Residents should conserve water on a regular basis, especially now with the State's request for increased water conservation throughout the state!



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION ATTACHED

2. Financial Statements – April 2022

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 4/1/2022 Through 4/30/2022

	Current Month	Year to Date	Total Budget - Original	% of Budget	
Revenue					
41010	PROPERTY TAX - SECURED	0.00	0.00	100,000.00	100.00)%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,800.00	100.00)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	25.00	100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	1,300.00	100.00)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00	100.00)%
41070	PROPERTY TAX - FINES	0.00	0.00	500.00	100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	1,300.00	100.00)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,900.00	100.00)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	4,500.00	100.00)%
41220	IN LIEU VLF	0.00	0.00	28,500.00	100.00)%
42000	SALES & USE TAX	13,290.33	287,379.45	280,000.00	2.64%
43000	TRANSIENT LODGING TAX	8,516.38	133,910.76	140,000.00	(4.35)%
46000	GRANT INCOME	0.00	9,904.63	68,000.00	(85.43)%
46100	Measure Z Grant Income	0.00	0.00	75,000.00	100.00)%
46700	Local Grants	0.00	20,000.00	0.00	0.00%
47310	VEHICLE LICENSE COLLECTION	0.00	424.26	300.00	41.42%
53010	COPY MACHINE FEE	0.00	25.90	50.00	(48.20)%
53020	INTEREST INCOME	1,790.24	4,688.88	25,300.00	(81.47)%
53090	OTHER MISCELLANEOUS INCOME	0.00	1,410.66	9,000.00	(84.33)%
54020	PLANNER- APPLICATION PROCESSIN	13,935.77	42,411.00	15,000.00	182.74%
54050	BLDG.INSR-APPLICATION PROCESSI	1,239.81	11,362.68	10,000.00	13.63%
54100	ANIMAL LICENSE FEES	65.00	95.00	300.00	(68.33)%
54150	BUSINESS LICENSE TAX	280.00	7,851.00	9,000.00	(12.77)%
54170	STR License Fee (Short Term Rental)	0.00	7,500.00	9,600.00	(21.88)%
54300	ENCROACHMENT PERMIT FEES	0.00	200.00	400.00	(50.00)%
56150	FRANCHISE FEES	1,521.02	1,521.02	0.00	0.00%
56400	RENT - VERIZON	0.00	31,500.00	27,000.00	16.67%
56500	RENT - HARBOR LEASE	5,125.00	5,125.00	5,125.00	0.00%
56550	RENT - PG& E	10,478.56	10,478.56	9,500.00	10.30%
56650	RENT - SUDDENLINK	0.00	4,740.53	6,500.00	(27.07)%
56700	RENT - TOWN HALL	425.00	3,885.00	2,500.00	55.40%
	Total Revenue	56,667.11	584,414.33	834,600.00	(29.98)%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 4/1/2022 Through 4/30/2022

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
60900	HONORARIUMS	150.00	2,100.00	3,000.00	30.00%
61000	EMPLOYEE GROSS WAGE	11,727.02	114,683.23	142,112.00	19.30%
61470	FRINGE BENEFITS	650.79	5,986.30	3,120.00	(91.87)%
65100	DEFERRED RETIREMENT	926.16	10,120.40	15,406.00	34.31%
65200	MEDICAL INSURANCE AND EXPENSE	1,207.36	12,920.60	23,607.00	45.27%
65250	Health Savings Program	32.50	520.91	1,050.00	50.39%
65300	WORKMEN'S COMP INSURANCE	614.67	2,043.93	4,724.00	56.73%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	78.41	592.87	750.00	20.95%
65600	PAYROLL TAX	1,010.12	9,921.20	12,050.00	17.67%
65800	Grant Payroll Allocation	(112.39)	(3,399.38)	(8,000.00)	57.51%
68090	CRIME BOND	0.00	564.20	550.00	(2.58)%
68200	INSURANCE - LIABILITY	0.00	14,576.26	13,600.00	(7.18)%
68300	PROPERTY & CASUALTY	0.00	5,087.40	6,250.00	18.60%
71110	ATTORNEY-ADMINISTRATIVE TASKS	6,279.50	53,974.28	85,000.00	36.50%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	13,013.75	0.00	0.00%
71310	CITY PLANNER-ADMIN. TASKS	0.00	86,125.57	75,000.00	(14.83)%
71410	BLDG INSPECTOR-ADMIN TASKS	2,007.67	18,249.84	25,000.00	27.00%
71510	ACCOUNTANT-ADMIN TASKS	936.75	13,974.64	17,000.00	17.80%
71620	AUDITOR-FINANCIAL REPORTS	0.00	16,399.01	16,000.00	(2.49)%
72000	CHAMBER OF COMMERCE	0.00	0.00	15,000.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	412.48	6,210.40	5,000.00	(24.21)%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	500.00	2,000.00	75.00%
75170	RENT	750.00	7,500.00	9,000.00	16.67%
75180	UTILITIES	651.81	9,259.65	12,000.00	22.84%
75190	DUES & MEMBERSHIP	0.00	858.00	1,000.00	14.20%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	3,607.62	3,500.00	(3.07)%
75220	OFFICE SUPPLIES & EXPENSE	327.44	8,742.44	7,500.00	(16.57)%
75240	BANK CHARGES	15.00	30.00	100.00	70.00%
75280	TRAINING / EDUCATION	0.00	50.00	200.00	75.00%
75300	CONTRACTED SERVICES	(174,895.00)	1,677.75	0.00	0.00%
75990	MISCELLANEOUS EXPENSE	0.00	398.53	500.00	20.29%
76110	TELEPHONE	357.11	3,632.64	6,000.00	39.46%
76130	CABLE & INTERNET SERVICE	143.45	1,796.30	3,000.00	40.12%
76150	TRAVEL	0.00	138.00	1,500.00	90.80%
78110	Street Safety Improvements	0.00	84.00	0.00	0.00%
78170	SECURITY SYSTEM	76.50	613.53	500.00	(22.71)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	358.18	1,500.00	76.12%
	Total Expense	(146,652.65)	422,912.05	504,519.00	16.18%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 4/1/2022 Through 4/30/2022

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	587.09	5,570.18	6,028.00	7.59%
61470	FRINGE BENEFITS	32.29	179.88	240.00	25.05%
65100	DEFERRED RETIREMENT	38.66	430.15	723.00	40.50%
65200	MEDICAL INSURANCE AND EXPENSE	0.00	(7.10)	604.00	101.18%
65250	Health Savings Program	0.00	0.00	35.00	100.00%
65300	WORKMEN'S COMP INSURANCE	45.13	124.26	200.00	37.87%
65600	PAYROLL TAX	51.04	485.66	516.00	5.88%
75170	RENT	750.00	7,500.00	9,000.00	16.67%
75180	UTILITIES	182.24	2,037.82	2,500.00	18.49%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	6,659.81	26,639.25	89,000.00	70.07%
75350	ANIMAL CONTROL	266.00	1,463.00	1,600.00	8.56%
76110	TELEPHONE	0.00	0.00	600.00	100.00%
76130	CABLE & INTERNET SERVICE	90.45	542.70	0.00	0.00%
78170	SECURITY SYSTEM	76.50	229.50	600.00	61.75%
	Total Expense	<u>8,779.21</u>	<u>45,195.30</u>	<u>112,146.00</u>	<u>59.70%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 4/1/2022 Through 4/30/2022

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	1,500.00	2,400.00	37.50%
75180	UTILITIES	0.00	210.30	1,150.00	81.71%
75190	DUES & MEMBERSHIP	0.00	628.72	350.00	(79.63)%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
76110	TELEPHONE	0.00	179.09	1,300.00	86.22%
76140	RADIO & DISPATCH	0.00	0.00	1,800.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	361.45	350.00	(3.27)%
78150	VEHICLE REPAIRS	115.00	304.07	2,500.00	87.84%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	3,249.58	3,000.00	(8.32)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	144.48	5,000.00	97.11%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
	Total Expense	<u>265.00</u>	<u>6,577.69</u>	<u>19,350.00</u>	<u>66.01%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 4/1/2022 Through 4/30/2022

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
61000	EMPLOYEE GROSS WAGE	7,952.59	69,961.93	103,521.00	32.42%
61250	OVERTIME	0.00	0.00	500.00	100.00%
61470	FRINGE BENEFITS	50.77	216.94	720.00	69.87%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	100.00	100.00%
65100	DEFERRED RETIREMENT	752.97	7,101.93	9,053.00	21.55%
65200	MEDICAL INSURANCE AND EXPENSE	1,522.55	15,919.04	21,171.00	24.81%
65250	Health Savings Program	0.00	787.75	882.00	10.69%
65300	WORKMEN'S COMP INSURANCE	776.46	2,141.77	3,441.00	37.76%
65600	PAYROLL TAX	646.82	5,811.61	8,612.00	32.52%
65800	Grant Payroll Allocation	(12,457.28)	(59,674.02)	(65,000.00)	8.19%
71210	CITY ENGINEER-ADMIN. TASKS	4,192.75	1,505.51	13,000.00	88.42%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	4,026.59	3,000.00	(34.22)%
75300	CONTRACTED SERVICES	0.00	1,366.80	10,000.00	86.33%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	596.60	1,000.00	40.34%
78100	STREET MAINT/REPAIR/SANITATION	0.00	1,389.00	5,000.00	72.22%
78120	STREET LIGHTING	382.98	3,702.13	5,000.00	25.96%
78130	TRAIL MAINTENANCE	0.00	0.00	10,000.00	100.00%
78140	VEHICLE FUEL & OIL	128.85	2,034.63	4,000.00	49.13%
78150	VEHICLE REPAIRS	0.00	6,557.36	2,500.00	(162.29)%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	4,373.73	14,000.00	68.76%
78190	MATERIALS, SUPPLIES & EQUIPMEN	599.75	3,854.22	5,000.00	22.92%
78200	EQUIPMENT REPAIRS & MAINTENANC	176.54	846.23	2,500.00	66.15%
	Total Expense	4,725.75	72,519.75	158,000.00	54.10%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 4/1/2022 Through 4/30/2022

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
56150	FRANCHISE FEES	753.77	10,217.07	10,000.00	2.17%
	Total Revenue	753.77	10,217.07	10,000.00	2.17%
	Expense				
61000	EMPLOYEE GROSS WAGE	318.12	2,972.34	4,545.00	34.60%
65100	DEFERRED RETIREMENT	38.17	356.68	545.00	34.55%
65200	MEDICAL INSURANCE AND EXPENSE	61.11	600.90	765.00	21.45%
65250	Health Savings Program	0.00	75.80	84.00	9.76%
65300	WORKMEN'S COMP INSURANCE	34.07	90.14	151.00	40.30%
65600	PAYROLL TAX	24.33	242.57	389.00	37.64%
75130	GARBAGE	0.00	0.00	500.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	5,340.00	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,800.00	100.00%
	Total Expense	475.80	9,678.43	8,779.00	(10.25)%
	Net Income	277.97	538.64	1,221.00	(55.89)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
303 - COPS Program
From 4/1/2022 Through 4/30/2022

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	127,335.17	155,000.00	(17.85)%
	Total Revenue	0.00	127,335.17	155,000.00	(17.85)%
	Expense				
75300	CONTRACTED SERVICES	34,036.42	74,707.67	244,000.00	69.38%
	Total Expense	34,036.42	74,707.67	244,000.00	69.38%
	Net Income	(34,036.42)	52,627.50	(89,000.00)	(159.13)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
503 - State Gas Tax
From 4/1/2022 Through 4/30/2022

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	0.00	15,000.00	(100.00)%
47030	GAS TAX REVENUE (2103)	151.38	2,205.94	0.00	0.00%
47050	GAS TAX REVENUE (2105)	160.13	1,551.56	0.00	0.00%
47060	GAS TAX REVENUE (2106)	508.02	4,692.60	0.00	0.00%
47070	GAS TAX REVENUE (2107)	221.08	1,762.33	0.00	0.00%
47075	GAS TAX REVENUE (2107.5)	0.00	1,000.00	0.00	0.00%
	Total Revenue	1,040.61	11,212.43	15,000.00	(25.25)%
	Expense				
60000	INTERDEPARTMENTAL TRANSFER EXP	0.00	0.00	40,000.00	100.00%
	Total Expense	0.00	0.00	40,000.00	100.00%
	Net Income	1,040.61	11,212.43	(25,000.00)	(144.85)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
504 - TDA - Transportation Development Agency
From 4/1/2022 Through 4/30/2022

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	12,000.00	12,500.00	(4.00)%
	Total Revenue	0.00	12,000.00	12,500.00	(4.00)%
	Expense				
60000	INTERDEPARTMENTAL TRANSFER EXP	0.00	0.00	12,000.00	100.00%
75250	TRANSIT SERVICES- HTA	0.00	5,029.48	0.00	0.00%
	Total Expense	0.00	5,029.48	12,000.00	58.09%
	Net Income	0.00	6,970.52	500.00	1,294.10%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
528 - Prop 84 Storm Water Grant Project
From 4/1/2022 Through 4/30/2022

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	23,057.10	35,479.50	0.00	0.00%
	Total Revenue	23,057.10	35,479.50	0.00	0.00%
	Expense				
65800	Grant Payroll Allocation	10,350.90	50,729.39	0.00	0.00%
75210	LICENSES & FEES	0.00	6,409.00	0.00	0.00%
75300	CONTRACTED SERVICES	1,350.00	4,500.00	0.00	0.00%
75320	PLANNING & DESIGN	0.00	1,589.50	0.00	0.00%
75330	CONSTRUCTION	0.00	999,901.40	0.00	0.00%
	Total Expense	11,700.90	1,063,129.29	0.00	0.00%
	Net Income	11,356.20	(1,027,649.79)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
529 - RMRA - Road Maintenance & Rehabilitation
From 4/1/2022 Through 4/30/2022

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
47005	RMRA (SB1)	628.73	4,878.53	0.00	0.00%
	Total Revenue	628.73	4,878.53	0.00	0.00%
	Net Income	628.73	4,878.53	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 4/1/2022 Through 4/30/2022

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	12,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	1,000.00	(100.00)%
57100	WATER SALES	25,085.35	264,286.51	315,000.00	(16.10)%
57200	Water Sales - Wholesale	0.00	0.00	8,000.00	(100.00)%
57300	NEW WATER HOOK UPS	0.00	10,340.00	0.00	0.00%
57500	WATER A/R PENALTIES	(2,642.44)	6,810.99	6,000.00	13.52%
	Total Revenue	22,442.91	281,437.50	342,000.00	(17.71)%
Expense					
61000	EMPLOYEE GROSS WAGE	5,731.79	111,354.24	136,521.00	18.43%
61470	FRINGE BENEFITS	96.93	540.06	720.00	24.99%
65100	DEFERRED RETIREMENT	498.00	9,735.31	13,537.00	28.08%
65200	MEDICAL INSURANCE AND EXPENSE	837.12	12,978.57	37,094.00	65.01%
65250	Health Savings Program	0.00	1,034.70	1,344.00	23.01%
65300	WORKMEN'S COMP INSURANCE	1,024.00	2,828.20	4,538.00	37.68%
65600	PAYROLL TAX	506.16	9,340.03	11,479.00	18.63%
65800	Grant Payroll Allocation	(393.19)	(842.55)	0.00	0.00%
68090	CRIME BOND	0.00	303.80	300.00	(1.27)%
68200	INSURANCE - LIABILITY	0.00	7,848.75	7,325.00	(7.15)%
68300	PROPERTY & CASUALTY	0.00	2,739.43	3,350.00	18.23%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	500.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	17,613.75	21,491.75	2,500.00	(759.67)%
71230	ENGINEER-SPECIAL PROJECTS	0.00	31,538.75	25,000.00	(26.16)%
71310	CITY PLANNER-ADMIN. TASKS	0.00	3,722.81	10,000.00	62.77%
71510	ACCOUNTANT-ADMIN TASKS	504.40	7,524.76	9,000.00	16.39%
71620	AUDITOR-FINANCIAL REPORTS	0.00	7,516.25	7,000.00	(7.38)%
72100	BAD DEBTS	0.00	0.00	100.00	100.00%
75180	UTILITIES	1,580.10	12,927.97	14,000.00	7.66%
75190	DUES & MEMBERSHIP	0.00	845.00	700.00	(20.71)%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	3,428.90	200.00	(1,614.45)%
75220	OFFICE SUPPLIES & EXPENSE	120.00	3,058.41	5,000.00	38.83%
75240	BANK CHARGES	0.00	40.00	100.00	60.00%
75280	TRAINING / EDUCATION	0.00	0.00	750.00	100.00%
75300	CONTRACTED SERVICES	21,186.99	151,739.04	19,000.00	(698.63)%
75990	MISCELLANEOUS EXPENSE	0.00	643.10	0.00	0.00%
76110	TELEPHONE	56.46	784.75	1,800.00	56.40%
76130	CABLE & INTERNET SERVICE	61.95	617.50	750.00	17.67%
76160	LICENSES & FEES	0.00	3,639.00	3,600.00	(1.08)%
78120	STREET LIGHTING	0.00	24.16	0.00	0.00%
78140	VEHICLE FUEL & OIL	96.09	991.35	1,500.00	33.91%
78150	VEHICLE REPAIRS	0.00	499.01	2,500.00	80.04%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	4,250.00	100.00%
78170	SECURITY SYSTEM	84.00	352.00	500.00	29.60%
78190	MATERIALS, SUPPLIES & EQUIPMEN	461.13	1,906.29	5,000.00	61.87%
78200	EQUIPMENT REPAIRS & MAINTENANC	12,245.65	16,485.92	7,500.00	(119.81)%
79100	WATER LAB FEES	350.00	4,950.00	6,000.00	17.50%
79120	WATER PLANT CHEMICALS	10,009.00	18,760.31	7,500.00	(150.14)%
79130	WATER LINE HOOK-UPS	0.00	5,840.82	0.00	0.00%
79150	WATER LINE REPAIR	0.00	1,155.68	25,000.00	95.38%
79160	WATER PLANT REPAIR	0.00	0.00	3,000.00	100.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 4/1/2022 Through 4/30/2022

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Total Expense	<u>72,670.33</u>	<u>458,344.07</u>	<u>378,958.00</u>	<u>(20.95)%</u>
Net Income	<u>(50,227.42)</u>	<u>(176,906.57)</u>	<u>(36,958.00)</u>	<u>378.67%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 4/1/2022 Through 4/30/2022

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
53020	INTEREST INCOME	0.00	0.00	250.00	(100.00)%
58100	CEMETERY PLOT SALES	2,152.50	19,492.50	12,000.00	62.44%
	Total Revenue	2,152.50	19,492.50	12,250.00	59.12%
	Expense				
61000	EMPLOYEE GROSS WAGE	503.26	5,006.89	6,884.00	27.27%
65100	DEFERRED RETIREMENT	60.40	600.84	826.00	27.26%
65200	MEDICAL INSURANCE AND EXPENSE	132.40	1,286.15	1,598.00	19.52%
65250	Health Savings Program	0.00	95.84	105.00	8.72%
65300	WORKMEN'S COMP INSURANCE	51.67	140.69	229.00	38.56%
65600	PAYROLL TAX	40.54	417.33	590.00	29.27%
75180	UTILITIES	45.23	452.30	493.00	8.26%
75300	CONTRACTED SERVICES	0.00	0.00	3,000.00	100.00%
78170	SECURITY SYSTEM	117.00	457.50	450.00	(1.67)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	950.50	8,457.54	14,675.00	42.37%
	Net Income	1,202.00	11,034.96	(2,425.00)	(555.05)%



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION ATTACHED

3. Law Enforcement Report – May 2022

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results
City is trinidad or trin, Date Between 5/2/2022 and 5/8/2022

05/10/2022

Date	Inc #	Type	Time	Location	Dispositio
05/02/2022	2205020006	XPAT	01:00:37	930 SCENIC DR	Quiet on Arrival or Departur
05/02/2022	2205020116	10851	14:56:29	480 PATRICKS POINT DR	Report Taken
05/02/2022	2205020117	911M	14:57:21	1071 DRIVER RD	Accidental Dial
05/02/2022	2205020181	PC	21:05:34	MAIN ST/VIEW AVE	Cad Documentation Only
05/03/2022	2205030009	XPAT	01:00:09	930 SCENIC DR	No Report
05/03/2022	2205030087	XFER	10:57:00	MILL CREEK LN	Xfer to Fire
05/03/2022	2205030118	CIVS	13:25:07	889 SOUTH WESTHAVEN DR	Negative Service
05/04/2022	2205040009	XPAT	01:00:39	930 SCENIC DR	Cad Documentation Only
05/04/2022	2205040011	TPAT	01:35:24	409 TRINITY ST	Cad Documentation Only
05/04/2022	2205040022	PC	05:01:28	510 BIG LAGOON PARK RD	Cad Documentation Only
05/04/2022	2205040119	594	16:13:15	N/A	Report Taken
05/04/2022	2205040129	REPO	17:21:57	100 ANDERSON LN	Cad Documentation Only
05/04/2022	2205040148	PC	19:11:51	1030 S WESTHAVEN DR	Unable to Locate
05/04/2022	2205040155	TPAT	19:41:03	MAIN ST/VIEW AVE	No Report
05/04/2022	2205040157	XFER	19:45:39	1480 STAGECOACH RD	Xfer to Fire
05/05/2022	2205050003	XPAT	01:00:21	930 SCENIC DR	Cad Documentation Only
05/05/2022	2205050005	XFER	01:40:58	103000 US HWY 101	Xfer to CHP
05/05/2022	2205050008	VEHI	02:05:27	27 SCENIC DR	Field Interview
05/05/2022	2205050010	VEHI	02:25:56	N/A	Field Interview
05/05/2022	2205050015	VEHI	02:58:00	122 MOONSTONE BEACH RD	Cited
05/05/2022	2205050047	UNW	09:46:53	4189 PATRICKS POINT DR	Civil Problem
05/05/2022	2205050065	PROPL	10:56:16	BAY ST/TRINIDAD WHARF	Online Report
05/06/2022	2205060009	BOLO	01:05:00	27 SCENIC DR	Briefing Information
05/06/2022	2205060126	CIVIL	15:52:11	3633 PATRICKS POINT DR	Civil Problem
05/07/2022	2205070087	33X	14:49:28	40 SCENIC DR	Non-Billable Alarm
05/07/2022	2205070095	XFER	15:43:56	US HWY 101	Xfer to CHP
05/07/2022	2205070112	459V	18:11:14	FRONTAGE RD/ALDER LN	Duplicate Call
05/07/2022	2205070114	459V	18:13:27	FRONTAGE RD/ALDER LN	Report Taken
05/07/2022	2205070127	WELF	19:54:21	94 STUMPTOWN RD	No Report
05/08/2022	2205080037	FU	09:15:10	966 4TH AVE	Public Assist
05/08/2022	2205080040	XFER	09:19:57	US HWY 101/CLAM BEACH	Xfer to CHP
05/08/2022	2205080041	XFER	09:22:55	US HWY 101	Xfer to CHP
05/08/2022	2205080042	DISP	09:24:33	1000 MOONSTONE CROSS	Cad Documentation Only
05/08/2022	2205080043	XFER	09:27:35	97600 US HWY 101	Xfer to CHP
05/08/2022	2205080070	XFER	13:46:27	131370 US HWY 101	Xfer to CHP

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results

City is trinidad or trin, Date Between 5/9/2022 and 5/15/2022

05/16/2022

Date	Inc #	Type	Time	Location	Dispositio
05/09/2022	2205090073	911C	10:29:46	101 MAIN ST	Cad Documentation Only
05/09/2022	2205090074	XFER	10:35:46	3443 PATRICKS POINT DR	Xfer to Fire
05/09/2022	2205090094	ANIMAL	11:34:14	999 SCENIC DR	Unable to Locate
05/09/2022	2205090098	ASSISTA	11:46:12	MOONSTONE BEACH RD	Agency Assist
05/09/2022	2205090111	PC	12:21:12	SCENIC DR/MAIN ST	Cad Documentation Only
05/09/2022	2205090121	647F	13:40:18	560 EDWARDS ST	No Report
05/09/2022	2205090179	XFER	18:08:28	S WESTHAVEN DR/OLD WAGON	Xfer to Fire
05/10/2022	2205100003	XFER	00:18:41	1170 PATRICKS POINT DR	Xfer to Medical
05/10/2022	2205100014	PROWL	02:45:46	2351 SCENIC DR	Unable to Locate
05/10/2022	2205100129	ANIMAL	15:31:50	170 STAGECOACH RD	Cad Documentation Only
05/10/2022	2205100155	DISP	18:19:44	STAGECOACH RD	Cad Documentation Only
05/11/2022	2205110080	SUSPP	13:00:54	380 JANIS CT	Gone On Arrival
05/11/2022	2205110117	602	16:12:42	328 ROUNDHOUSE CREEK RD	Arrest Made
05/11/2022	2205110142	SUSPP	18:00:09	MAIN ST/VIEW AVE	Advised to Move Along
05/12/2022	2205120028	242	07:43:08	510 BIG LAGOON PARK RD	Report Taken
05/12/2022	2205120088	FU	12:47:54	274 LYNDA LN	Negative Contact Made
05/12/2022	2205120095	SUSPP	13:10:23	MAIN ST/VIEW AVE	Unable to Locate
05/12/2022	2205120098	HAILED	13:31:16	389 MAIN ST	Public Assist
05/12/2022	2205120110	ADMIN	14:49:03	1471 STAGECOACH RD	Cad Documentation Only
05/12/2022	2205120135	SUSPP	18:00:24	(UNKNOWN ADDRESS)	Unable to Locate
05/13/2022	2205130092	XPAT	13:00:37	MAIN ST/VIEW AVE	Cad Documentation Only
05/13/2022	2205130134	XPAT	18:00:38	MAIN ST/VIEW AVE	Unable to Locate
05/14/2022	2205140013	ASSISTA	03:42:07	MOONSTONE BEACH RD	Cad Documentation Only
05/14/2022	2205140014	DISABLE	03:53:29	SCENIC DR/LANFORD RD	Public Assist
05/14/2022	2205140020	ASSISTA	07:00:10	182 BAKER RANCH RD	Supplemental Taken
05/14/2022	2205140057	XPAT	13:00:55	MAIN ST/VIEW AVE	Cad Documentation Only
05/14/2022	2205140087	XFER	15:39:18	KAHLSTROM AVE	Xfer to CHP
05/14/2022	2205140090	459V	16:00:54	1 BAKER RANCH RD	Cad Documentation Only
05/14/2022	2205140101	XPAT	18:00:56	MAIN ST/VIEW AVE	No Report
05/14/2022	2205140138	5150	22:53:42	651 PARKER ST	Cad Documentation Only
05/14/2022	2205140140	VEHI	23:21:02	380 JANIS CT	Field Interview
05/15/2022	2205150038	XFER	08:56:28	607 PARKER ST	Xfer to Medical
05/15/2022	2205150064	XPAT	13:00:20	MAIN ST/VIEW AVE	Public Assist
05/15/2022	2205150109	XFER	17:20:51	US HWY 101/BIG LAGOON PA	Xfer to CHP
05/15/2022	2205150114	XPAT	18:00:20	MAIN ST/VIEW AVE	Unable to Locate
05/15/2022	2205150149	PC	21:58:08	510 BIG LAGOON PARK RD	Cad Documentation Only

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results

City is trinidad or trin, Date Between 5/16/2022 and 5/22/2022

05/23/2022

Date	Inc #	Type	Time	Location	Dispositio
05/16/2022	2205160027	DISP	07:35:26	915 N WESTHAVEN DR	Cad Documentation Only
05/16/2022	2205160051	CAMP	09:50:24	389 MAIN ST	Advised to Move Along
05/16/2022	2205160057	TPAT	10:07:54	MAIN ST/VIEW AVE	No Report
05/16/2022	2205160061	459V	10:11:42	TRINIDAD TRAIL HEAD	Report Taken
05/16/2022	2205160099	XPAT	13:00:36	MAIN ST/VIEW AVE	Cad Documentation Only
05/16/2022	2205160100	911C	13:00:57	OX LN	Cad Documentation Only
05/16/2022	2205160113	WELF	13:46:52	51 MIDWAY DR	No Report
05/16/2022	2205160123	PROPL	14:41:27	389 MAIN ST	Cad Documentation Only
05/16/2022	2205160161	SUSPP	18:00:18	MAIN ST/VIEW AVE	Unable to Locate
05/16/2022	2205160178	SHOTSH	19:44:36	900 SEASCAPE LN	Cad Documentation Only
05/17/2022	2205170013	TRF	02:06:46	US HWY 101/SEAWOOD DR	Warned
05/17/2022	2205170028	XFER	07:56:56	334 OLD WAGON RD	Xfer to Medical
05/17/2022	2205170084	SUSPP	13:00:49	MAIN ST/VIEW AVE	Unable to Locate
05/17/2022	2205170142	PC	18:00:07	380 JANIS CT	Cad Documentation Only
05/17/2022	2205170146	PC	18:34:42	LIGHTHOUSE RD/BAY ST	Cad Documentation Only
05/17/2022	2205170157	415	19:51:51	850 S WESTHAVEN DR	Not as Reported
05/18/2022	2205180015	33X	03:55:41	101 MAIN ST	Report Taken
05/18/2022	2205180016	459R	04:01:26	101 MAIN ST	Merged Cfs
05/18/2022	2205180073	SUSPP	13:00:16	(UNKNOWN ADDRESS)	Cad Documentation Only
05/18/2022	2205180109	FU	16:27:36	201 MAIN ST	No Report
05/18/2022	2205180127	SUSPP	18:55:29	MAIN ST/VIEW AVE	Cad Documentation Only
05/18/2022	2205180149	911M	21:58:22	898 UNDERWOOD DR	Accidental Dial
05/19/2022	2205190014	33X	06:42:57	359 MAIN ST	Billable Alarm
05/19/2022	2205190044	XFER	10:26:28	US HWY 101 OFF RAMP/WEST	Xfer to CHP
05/19/2022	2205190090	PC	12:57:58	BIG LAGOON PARK RD	Public Assist
05/19/2022	2205190092	SUSPP	13:00:35	MAIN ST/VIEW AVE	Cad Documentation Only
05/19/2022	2205190134	VEHI	15:25:52	US HWY 101/TRINIDAD EXIT	Advised to Move Along
05/19/2022	2205190140	PC	15:41:20	US HWY 101/TRINIDAD EXIT	Cad Documentation Only
05/19/2022	2205190152	ASSISTA	16:38:28	418 MAIN ST	Agency Assist
05/19/2022	2205190169	SUSPP	18:00:54	MAIN ST/VIEW AVE	Cad Documentation Only
05/19/2022	2205190176	XFER	18:32:32	FERNCREST RD/HAVEN WAY	Xfer to Fire
05/19/2022	2205190177	XFER	18:38:24	637 FERNCREST RD	Xfer to Fire
05/20/2022	2205200010	DISP	01:18:53	520 2ND AVE	Cad Documentation Only
05/20/2022	2205200019	XFER	02:44:13	HIGHWAY 101 OVERPASS/6TH	Xfer to CHP
05/20/2022	2205200020	XFER	02:55:21	HIGHWAY 101 OVERPASS/6TH	Xfer to CHP
05/20/2022	2205200038	XFER	08:36:48	51 MIDWAY DR	Xfer to Medical
05/20/2022	2205200089	XPAT	13:00:50	MAIN ST/VIEW AVE	Cad Documentation Only
05/20/2022	2205200146	XPAT	18:00:51	MAIN ST/VIEW AVE	Unable to Locate
05/20/2022	2205200167	VEHI	20:03:49	N/A	Cad Documentation Only
05/21/2022	2205210061	XPAT	13:00:51	MAIN ST/VIEW AVE	Cad Documentation Only
05/21/2022	2205210075	314	14:56:08	MAIN ST	Unable to Locate
05/21/2022	2205210097	XFER	17:01:33	873 KAHLSTROM AVE	Xfer to Fire
05/21/2022	2205210103	XPAT	18:00:53	MAIN ST/VIEW AVE	Unable to Locate
05/21/2022	2205210113	PC	19:34:40	170 STAGECOACH RD	Cad Documentation Only



HUMBOLDT COUNTY SHERIFF'S OFFICE

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Incident Search Results

City is trinidad or trin, Date Between 5/16/2022 and 5/22/2022

05/23/2022

Date	Inc #	Type	Time	Location	Dispositio
05/22/2022	2205220066	ASSISTP	12:43:19	MAIN ST	Cad Documentation Only
05/22/2022	2205220067	SUSPP	13:00:48	380 JANIS CT	Cad Documentation Only
05/22/2022	2205220071	PED	13:18:01	1 BAKER RANCH RD	Cad Documentation Only
05/22/2022	2205220118	XPAT	18:00:49	MAIN ST/VIEW AVE	Admonished
05/22/2022	2205220135	DUI	20:24:55	359 MAIN ST	Unoccupied
05/22/2022	2205220141	SUI	20:53:18	1519 ADAMS FOX FARM RD	Cad Documentation Only
05/22/2022	2205220144	INFO	21:20:47	27 SCENIC DR	Cad Documentation Only

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results
City is trinidad or trin, Date Between 5/23/2022 and 5/29/2022

05/31/2022

Date	Inc #	Type	Time	Location	Dispositio
05/23/2022	2205230001	XFER	00:04:11	1765 PATRICKS POINT DR	Xfer to Medical
05/23/2022	2205230005	XFER	01:03:24	1 WESTHAVEN DR	Xfer to Medical
05/23/2022	2205230016	DISP	05:36:38	69 WESTHAVEN DR	Xfer to Medical
05/23/2022	2205230045	33X	09:59:23	100 MOONSTONE BEACH RD	Cancel Per Rp
05/23/2022	2205230077	488	12:31:33	27 SCENIC DR	Report Taken
05/23/2022	2205230086	SUSPP	13:00:23	(UNKNOWN ADDRESS)	Cad Documentation Only
05/23/2022	2205230134	SUSPP	18:00:24	(UNKNOWN ADDRESS)	Cad Documentation Only
05/23/2022	2205230136	594	18:06:10	753 PATRICKS POINT DR	Report Taken
05/23/2022	2205230150	PC	19:48:16	409 TRINITY ST	Cad Documentation Only
05/23/2022	2205230155	SHOTSH	20:23:42	1 STAGECOACH RD	Quiet on Arrival or Departur
05/23/2022	2205230170	XFER	23:53:11	CLAM BEACH DR	Xfer to CHP
05/24/2022	2205240034	PC	07:54:13	MAIN ST/VIEW AVE	Cad Documentation Only
05/24/2022	2205240062	FU	10:37:19	27 SCENIC DR	Cad Documentation Only
05/24/2022	2205240066	33X	11:09:50	1658 PATRICKS POINT DR	Cancel Per Rp
05/24/2022	2205240073	PROPL	11:25:41	875 PATRICKS POINT DR	Report Taken
05/24/2022	2205240085	SUSPP	13:00:14	TRINIDAD TRAIL HEAD	Quiet on Arrival or Departur
05/24/2022	2205240099	VEHI	13:56:30	EDWARDS ST/OCEAN AVE	Cad Documentation Only
05/24/2022	2205240138	SUSPP	18:00:17	(UNKNOWN ADDRESS)	Cad Documentation Only
05/24/2022	2205240164	DISP	20:33:17	1990 SCENIC DR	Cad Documentation Only
05/25/2022	2205250043	FU	09:09:26	600 SEASCAPE LN	Cad Documentation Only
05/25/2022	2205250104	XFER	12:59:43	MOONSTONE BEACH RD	Xfer to CHP
05/25/2022	2205250105	SUSPP	13:00:48	TRINIDAD TRAIL HEAD	Cad Documentation Only
05/25/2022	2205250116	PROB	13:32:16	120 WA-RAY RD	Cad Documentation Only
05/25/2022	2205250123	PC	14:18:01	MAIN ST/VIEW AVE	Cad Documentation Only
05/25/2022	2205250132	DUMP	14:49:35	N WESTHAVEN DR	Unable to Locate
05/25/2022	2205250134	415	14:58:32	EDWARDS ST	Admonished
05/25/2022	2205250171	SUSPP	18:00:51	(UNKNOWN ADDRESS)	Cad Documentation Only
05/25/2022	2205250180	33X	19:09:58	513 TRINITY ST	Billable Alarm
05/26/2022	2205260029	TPAT	07:40:33	TRINIDAD TRAIL HEAD	Quiet on Arrival or Departur
05/26/2022	2205260049	INC	10:20:53	US HWY 101	Pending Recontact From Rp
05/26/2022	2205260059	601	11:04:00	425 ADAMS FOX FARM RD	No Report
05/26/2022	2205260085	415P	12:53:58	425 ADAMS FOX FARM RD	Arrest Made
05/26/2022	2205260087	SUSPP	13:00:36	(UNKNOWN ADDRESS)	Cad Documentation Only
05/26/2022	2205260130	ADMIN	16:30:23	600 SEASCAPE LN	Cad Documentation Only
05/26/2022	2205260151	SUSPP	18:00:26	(UNKNOWN ADDRESS)	No Report
05/27/2022	2205270058	XFER	11:02:03	640 PARKER ST	Xfer to Medical
05/27/2022	2205270062	AVA	11:42:55	PATRICKS POINT DR/WESTGA	Cad Documentation Only
05/27/2022	2205270063	ASSISTA	11:43:30	389 MAIN ST	Public Assist
05/27/2022	2205270064	415	11:52:43	389 MAIN ST	Merged Cfs
05/27/2022	2205270073	415	12:28:49	51 MIDWAY DR	Public Assist
05/27/2022	2205270074	415	12:30:03	51 MIDWAY DR	Merged Cfs
05/27/2022	2205270083	XPAT	13:00:55	MAIN ST/VIEW AVE	Cad Documentation Only
05/27/2022	2205270115	XFER	15:27:50	199 N WESTHAVEN DR	Xfer to Medical
05/27/2022	2205270116	911C	15:29:26	199 N WESTHAVEN DR	Xfer to Medical

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

Page 1

Incident Search Results

City is trinidad or trin, Date Between 5/30/2022 and 6/5/2022

06/06/2022

Date	Inc #	Type	Time	Location	Dispositio
05/30/2022	2205300026	TPAT	08:04:49	MAIN ST/VIEW AVE	No Report
05/30/2022	2205300031	VEHI	08:41:29	PATRICKS POINT DR/WESTGA	Unoccupied
05/30/2022	2205300034	PC	08:54:11	510 BIG LAGOON PARK RD	No Report
05/30/2022	2205300134	TPAT	23:32:46	MAIN ST/VIEW AVE	Cad Documentation Only
05/31/2022	2205310019	WELF	06:24:27	128 ANDERSON LN	Cad Documentation Only
05/31/2022	2205310024	PC	07:01:22	MAIN ST/VIEW AVE	Cad Documentation Only
05/31/2022	2205310077	33X	12:14:48	253 STAGECOACH RD	Cancel Per Rp
05/31/2022	2205310086	PC	12:24:55	MAIN ST/VIEW AVE	Cad Documentation Only
05/31/2022	2205310149	911M	16:09:50	139 CRANFORD RD	Accidental Dial
05/31/2022	2205310179	TPAT	18:49:32	409 TRINITY ST	Cad Documentation Only
06/01/2022	2206010035	911C	08:39:35	3871 PATRICKS POINT DR	Accidental Dial
06/01/2022	2206010049	242	10:02:50	1 WESTHAVEN DR	No Report
06/01/2022	2206010053	WELF	10:21:35	874 N WESTHAVEN DR	Scheduled Incident Created
06/01/2022	2206010054	594	10:26:51	3415 PATRICKS POINT DR	Cad Documentation Only
06/01/2022	2206010060	BOMB	11:00:36	350 QUARRY RD	Report Taken
06/01/2022	2206010074	33X	12:25:35	380 JANIS CT	Non-Billable Alarm
06/01/2022	2206010105	459R	14:55:50	660 PATRICKS POINT DR	Report Taken
06/01/2022	2206010120	WELF	16:35:38	874 N WESTHAVEN DR	Report Taken
06/01/2022	2206010128	459V	17:05:23	FRONTAGE RD/ALDER LN	No Report
06/02/2022	2206020036	459V	08:16:52	FRONTAGE RD/ALDER LN	Online Report
06/02/2022	2206020071	DISP	11:35:20	924 8TH AVE	Cad Documentation Only
06/02/2022	2206020173	AWS	20:38:17	27 SCENIC DR	Arrest Made
06/03/2022	2206030002	WELF	00:51:37	27 SCENIC DR	Cad Documentation Only
06/03/2022	2206030012	TPAT	07:25:58	MAIN ST/VIEW AVE	Quiet on Arrival or Departur
06/03/2022	2206030014	XFER	07:50:47	11052 US HWY 101	Xfer to CHP
06/03/2022	2206030040	ASSISTP	10:26:02	510 BIG LAGOON PARK RD	Cad Documentation Only
06/03/2022	2206030093	602	13:45:26	27 SCENIC DR	Cad Documentation Only
06/03/2022	2206030106	PROB	14:43:16	120 WA-RAY RD	Cad Documentation Only
06/03/2022	2206030140	DISP	19:10:18	15336 US HWY 101	Cad Documentation Only
06/03/2022	2206030174	WELF	23:28:01	27 SCENIC DR	Xfer to Medical
06/04/2022	2206040003	INV	00:23:59	27 SCENIC DR	Cad Documentation Only
06/04/2022	2206040006	XFER	01:31:27	103000 US HWY 101	Xfer to CHP
06/04/2022	2206040050	UNW	11:42:43	821 SCENIC DR	Public Assist
06/04/2022	2206040127	XFER	22:12:17	923 PATRICKS POINT DR	Xfer to CHP
06/04/2022	2206040129	911H	22:36:55	3405 BROWN LN	Duplicate Call
06/04/2022	2206040134	WELF	23:10:07	27 SCENIC DR	Arrest Made
06/05/2022	2206050005	415	01:01:24	821 SCENIC DR	Gone On Arrival
06/05/2022	2206050045	PC	10:57:31	MAIN ST/VIEW AVE	Quiet on Arrival or Departur
06/05/2022	2206050049	AWS	11:23:14	27 SCENIC DR	Non-Essential Response
06/05/2022	2206050053	TRF	12:00:06	1 BAKER RANCH RD	Cited
06/05/2022	2206050075	DUI	14:53:27	101 MAIN ST	Field Interview
06/05/2022	2206050079	TRF	15:12:20	999 SCENIC DR	Cad Documentation Only
06/05/2022	2206050080	DISP	15:15:11	510 BIG LAGOON PARK RD	Cad Documentation Only
06/05/2022	2206050101	WELF	19:54:53	FRONTAGE RD/ALDER LN	Cad Documentation Only



HUMBOLDT COUNTY SHERIFF'S OFFICE

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Incident Search Results

City is trinidad or trin, Date Between 5/30/2022 and 6/5/2022

06/06/2022

Date	Inc #	Type	Time	Location	Dispositio
06/05/2022	2206050123	459	21:18:43	660 PATRICKS POINT DR	Report Taken
06/05/2022	2206050139	FU	23:08:33	660 PATRICKS POINT DR	Report Taken

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results**City is trinidad or trin, Date Between 5/23/2022 and 5/29/2022**

05/31/2022

Date	Inc #	Type	Time	Location	Dispositio
05/27/2022	2205270129	TOW	16:37:29	389 MAIN ST	Cad Documentation Only
05/27/2022	2205270143	XPAT	18:00:26	MAIN ST/VIEW AVE	Cad Documentation Only
05/27/2022	2205270160	TRF	18:59:00	HIGHWAY 101 OFF RAMP/WES	Warned
05/27/2022	2205270166	601	20:10:29	425 ADAMS FOX FARM RD	Report Taken
05/27/2022	2205270176	XFER	21:50:25	101 MAIN ST	Xfer to Medical
05/28/2022	2205280060	WELF	12:24:12	51 MIDWAY DR	Public Assist
05/28/2022	2205280065	XPAT	13:00:12	MAIN ST/VIEW AVE	Cad Documentation Only
05/28/2022	2205280081	PC	16:17:55	MAIN ST/VIEW AVE	Cad Documentation Only
05/28/2022	2205280088	XPAT	18:00:12	MAIN ST/VIEW AVE	Cad Documentation Only
05/28/2022	2205280122	XFER	22:18:51	US HWY 101/TRINIDAD EXIT	Xfer to CHP
05/28/2022	2205280123	XFER	22:20:39	MAIN ST/HIGHWAY 101 UNDE	Xfer to CHP
05/28/2022	2205280124	XFER	22:21:51	US HWY 101/TRINIDAD EXIT	Xfer to CHP
05/28/2022	2205280125	VEHI	22:39:50	FRONTAGE RD	Field Interview
05/29/2022	2205290025	PC	07:25:12	MAIN ST/VIEW AVE	Cad Documentation Only
05/29/2022	2205290048	FU	10:55:38	LYNDA LN	No Report



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION ATTACHED

4. Resolution 2022-08; Submitting an LCP Amendment to the Coastal Commission to Amend the Short-Term Rental Ordinance.

CONSENT AGENDA ITEM

June 14, 2022

Item: Resolution authorizing submittal of an LCP amendment application for the STR ordinance.

The City Council recently approved amendments to the STR ordinance. Those amendments will not take effect until certified by the Coastal Commission. Staff is preparing a Local Coastal Program (LCP) amendment application. A resolution authorizing submittal of the application is required as part of the submittal. The attached resolution authorizes City staff to submit the application and work with Coastal Commission staff to process it through approval.

Attachments

Resolution of Submittal

Recommended Action:

Adopt the attached resolution authorizing submittal of the LCP amendment application to the Coastal Commission.



RESOLUTION NO. 2022-08

A RESOLUTION OF THE CITY OF TRINIDAD, CALIFORNIA, FOR SUBMITTING A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND SECTION 6.26 OF THE CERTIFIED ZONING ORDINANCE (SECTION 17.56.109 OF THE CODIFIED ZONING ORDINANCE) REGULATING SHORT TERM RENTALS TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, the City of Trinidad City Council has adopted an ordinance amending the Implementation Plan of the Local Coastal Program to better regulate short-term rentals; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Program and City laws; and

WHEREAS, the amendment is Statutorily exempt from CEQA per §15265 of the CEQA Guidelines exempting adoption of coastal plans and programs by local governments; and

WHEREAS, after due notice and public hearing, and in accordance with the Local Coastal Program (Trinidad Zoning Ordinance section 7.03), the Planning Commission recommended approval of the amendment to the Zoning Ordinance on August 18, 2021, and confirmed their recommendation on March 16, 2022, and the Trinidad City Council adopted the amendment by Ordinance 2021-02 on May 10, 2022; and

WHEREAS, this amendment is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Program; and

WHEREAS, this amendment is consistent with the City's certified Local Coastal Program; and

WHEREAS, this amendment shall take effect immediately upon certification by the California Coastal Commission if approved as submitted. If the California Coastal Commission certifies the amendment subject to conditions that change the nature of the amendment, final approval by the Trinidad City Council shall be required prior to the amendment taking effect; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Trinidad as follows:

1. City staff is directed to apply to, and work with, the California Coastal Commission for approval of this Local Coastal Program amendment.

APPROVED AND ADOPTED by the City Council of the City of Trinidad on this 14th Day of June, 2022.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Trinidad by the following roll call vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

Gabriel Adams
Trinidad City Clerk

Steve Ladwig
Mayor



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION ATTACHED

5. Resolution 2022-09; Adopting a List of Projects for FY2022-2023 Funded by the SB1 Road Repair and Accountability Act of 2017.

STAFF REPORT

Item: Adopt Resolution No. 2022-09, Adopting a List of Projects for Fiscal Year 2022/2023 Funded by SB 1: The Road Repair and Accountability Act of 2017.

Summary:

The City is required to adopt a resolution designating projects during fiscal year 2022/2023 which will be funded by SB 1: The Road Repair and Accountability Act.

Recommended Action:

Council adopt Resolution No. 2022-09, a resolution of the City Council of the City of Trinidad incorporating a list of projects for fiscal year 2022/2023 to be funded by SB 1: The Road Repair and Accountability Act.

Discussion:

The City of Trinidad will receive an estimated \$8,366.00 in Road Maintenance and Rehabilitation Account (RMRA) funding in Fiscal Year 2022-23 from SB 1. City Public Works staff worked with the City Engineer to identify roadway rehabilitation projects to be completed, which can be funded in part by the City's RMRA share. The fiscal year 2022/2023 list of projects planned to be funded with RMRA SB 1 revenues is as follows:

Name	Locations	Description	Estimated Useful Life	Anticipated Project Schedule
2022/2023 Trinidad Pavement Rehabilitation Project	Edwards Street from Galindo Street to Bay Street; Trinity Street; Main Street	Replace asphalt concrete surfacing, slurry seal, pavement markings and striping	10 Years	July 2022 – Dec 2023

Fiscal Impact:

Adoption of the Resolution will allow for RMRA funding to be used for roadway rehabilitation within the City of Trinidad.

Proposed Action:

1. Council adopt Resolution No. 2022-09, a resolution of the City Council of the City of Trinidad incorporating a list of projects for fiscal year 2022/2023 to be funded by SB 1: The Road Repair and Accountability Act.
2. Authorize staff to proceed with implementation of the project.

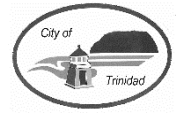
Attachments:

1. FY 22.23 SB 1 Project List Resolution

Trinidad City Hall

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
707-677-0223

Steve Ladwig, Mayor
Gabriel Adams, City Clerk



RESOLUTION 2022-09

RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2022-23 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Trinidad must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated \$8,366.00 in RMRA funding in Fiscal Year 2022-23 from SB 1; and

WHEREAS, this is the fifth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City Public Works staff and the City Engineer have reviewed and concur with the proposed SB 1 project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate four streets/roads throughout the City this year; and

WHEREAS, the 2020 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in an "at-risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the Trinidad City Council, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of proposed projects will be funded in-part or solely with fiscal year 2022-23 Road Maintenance and Rehabilitation Account revenues:

Name	Locations	Description	Estimated Useful Life	Anticipated Project Schedule
2022/2023 Trinidad Pavement Rehabilitation Project	Edwards Street from Galindo Street to Bay Street; Trinity Street, Main Street	Replace asphalt concrete surfacing, slurry seal, pavement markings and striping	10 Years	July 2022 – Dec 2023

PASSED AND ADOPTED by the Trinidad City Council, State of California this 14th day of June, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Gabriel Adams
Trinidad City Clerk

Steve Ladwig
Mayor



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION ATTACHED

6. Authorize City Manager to Negotiate and Sign Scopes of Work with Consultants GHD and SHN for the Water Storage Tank and Pipeline Replacement Project Grant.

CONSENT AGENDA ITEM

Date: June 14, 2022

Item: Water Storage Tank & Pipeline Replacement Project Grant

The Trinidad Water Storage Tank and Pipeline Replacement Project (Project) was awarded Department of Water Resources Small Community Drought Relief Program grant funding to replace 8" water mains between the Water Plant and the water tank site, construct a 300,000 gallon steel storage tank that replaces one 150,000 gallon redwood tank, replace water mains between the Water Treatment Plant and the Water Storage Tanks, and construct a new 8" waterline on Edwards to replace the undersized water main on Edwards and the temporary water line on Van Wycke Street and install a new fire hydrant on Van Wycke.

On September 14, 2021, City Council passed Resolution 2021-11, authorizing submittal of an application to the Department of Water Resources (DWR). DWR awarded the City \$5,079,090 in project funding on March 4, 2022. The Small Community Drought Relief Program supports projects *"that provide immediate and near-term water supply reliability benefits and improve small communities' drought and water shortage resiliency and preparedness."* Specific objectives for the Trinidad Project are to improve water system storage and replace aging and leaking pipelines.

The Project Grant Agreement No. 4600014680 was executed on 6/7/2022. The Project term began on March 4, 2022 and is scheduled for construction during summer 2023, with project closeout June 2024. Next steps include approving scopes of work for the contract City Engineer (GHD) and contract City Planner (SHN). GHD would be responsible for project planning, design, engineering, environmental, permitting and construction administration. SHN would be responsible for answering planning and permitting questions and reviewing the draft environmental documents as City Planner.

Staff Recommendation:

- Authorize the City Manager to negotiate and sign a Scope of Work with GHD for task 2. Planning/Design/Engineering/Environmental, and task 3. Construction Administration in accordance with the approved grant scope and budget.
- Authorize the City Manager to negotiate and sign a Scope of Work with SHN to answer planning related questions and review the draft environmental documents as City Planner for Task 2 in accordance with the approved grant scope and budget.

Attachments: None



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION ATTACHED

7. Discussion/Decision regarding Trinidad-Westhaven Emergency Intertie Agreement and Grant.

AGENDA ITEM

Date: June 14, 2022

Item: Trinidad-Westhaven Emergency Intertie Agreement and Grant

The Trinidad-Westhaven Emergency Intertie Project was awarded \$1,816,600 in Multi-benefit Drought Relief Program (MBDRP) funding by the Department of Water Resources (DWR). Staff has developed project related agreements for Council review and approval.

- As directed by Council on November 9, 2021, staff has negotiated an Emergency Intertie Agreement between the City and Westhaven Community Services District. This agreement includes provisions for constructing and operating the Emergency Intertie through the useful life of the intertie facilities.
- A GHD Scope of Services for the grant project will include engineering assistance on behalf of the City for the Emergency Intertie Project and the overall grant agreement.

Background:

At the November 9, 2021, City Council authorized staff to prepare an application for the Trinidad Multi-benefit Water Resilience Project and adopted Resolution 2021-13, Authorizing the Grant Application, Acceptance, and Execution for Trinidad's Multi-benefit Drought Relief Program projects. The Department of Water Resources (DWR) awarded the City \$2,000,000 in project funding on March 19, 2022. plus a small amount of additional funding for the water tank replacement Project (funded by the Small Community Drought Relief Program). The Multibenefit Drought Relief Program supports projects that provide multiple benefits, address immediate impacts of the drought on human health and safety, protects fish and wildlife resources and provides other public benefits, such as ecosystem improvements.

On November 9, 2021, the Council approved the following recommendations:

- *Authorize staff to prepare an application for the Trinidad Multi-benefit Water Resilience Project.*
- *Adopt Resolution 2021-13, Authorizing the Grant Application, Acceptance, and Execution for the Trinidad Multi-benefit Water Resilience Project.*

Staff began developing the grant application based on eligibility of the City's priority projects for improving drought resilience. These included fixing leaky old water mains, increasing water storage capacity and promoting water conservation. The City and WCSD held a virtual meeting on 12/6/21 to discuss possible construction of an Emergency Intertie to increase water supply reliability and including this project in grant application for Multi-benefit Drought Relief Program grant funding.

On December 14, 2021, the Council approved the following recommendations:

- *Direct staff to develop of an emergency intertie proposal and negotiate an emergency intertie MOU or agreement with WCSD for Council approval.*

- *Direct staff to include the Emergency Intertie Project in the application for the Trinidad Multi-benefit Water Resilience Project.*

Staff worked with GHD and WCSD to prepare and submit the MBDRP application on 1/14/22. The application included 4 projects: Water Storage Resiliency (new tank); Water Main Reliability (pipe replacement); Water Demand Reduction (SMART meters); and the Trinidad-Westhaven Emergency Intertie.

The DWR awarded \$2,000,000 in funding for the Emergency Intertie (\$1,816,600), \$140,000 for Grant Administration, and \$43,400 partial funding a new water storage tank. The water tank funding will be combined with the separate Small Community Drought Relief project funding also awarded in March. The pipe replacement and Smart Meter project requests were not funded. City and WCSD staff have been working together on the Intertie Agreement and project logistics. A virtual meeting was held on 5/23/22 to discuss the Emergency Intertie project, discuss the rough draft intertie agreement and next steps. Participants were City and WCSD staff, engineers, the City Attorney, the Mayor and WCSD board chair. WCSD will be the project lead for planning, design, and construction of the Emergency Intertie construction project. The City will be the Grant Administrator, with GHD, the Contract City Engineer, will be responsible for review and concurrence of the project plans, specifications, and engineering documents or calculations provided for review. SHN, the Contract City Planner, will be responsible for review and concurrence of environmental documents, permitting applications, and environmental compliance.

Next Steps:

Staff is working to get the MBDRP grant agreement, GHD Scope and SHN Scope in place as soon as possible so work on the project can commence. City Staff and WCSD are continuing to negotiate the Emergency Intertie Agreement for constructing, operating and maintaining the Emergency Intertie.

Staff Recommendations:

- Authorize the City Manager to negotiate and approve the GHD Scope of Services for the MBDRP Grant support not to exceed \$54,000.
- Authorize the City Manager to negotiate and approve the SHN Scope of Services for the MBDRP Grant support not to exceed \$6,000.

Alternatives to Staff Recommendation:

- Provide other direction to staff.

Attachments: None

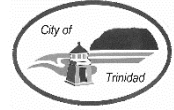


DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION ATTACHED

1. Discussion/Decision regarding Second Reading of Ordinance 2022-02: Organics Reduction and Recycling Ordinance.

Recommended action: *Waive full reading and adopt second reading of Ordinance 2022-02 by title only, Establishing the Organics Reduction and Recycling Ordinance.*



ORDINANCE 2022-02

ORGANICS REDUCTION AND RECYCLING ORDINANCE

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ORDINANCE 2022-02: ORGANICS REDUCTION AND RECYCLING ORDINANCE

The City Council of the City of Trinidad does ordain as follows:

SECTION 1. PURPOSE AND FINDINGS

- (a) The purpose of this Ordinance is to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators. This Ordinance repeals seeks to provide a single framework to achieve its purposes and comply with various state laws as set forth below.
- (b) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (approved by the Governor of the State of California on September 29, 1989, which among other things, added Division 30 (Section 40000, et seq.) to the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (c) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multi-family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling service and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- (d) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multi-family property owners that generate a specified threshold amount of Solid Waste, recycling, and Organic Waste per week to arrange for recycling service for those materials, requires counties and cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and to implement a Mandatory Commercial Organics Recycling program.
- (e) State organics recycling law, Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016 (approved by the Governor of the State of

California on September 19, 2016, which added Sections 39730.5, 39730.6, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), took effect on January 1, 2017 and sets Statewide Organic Waste disposal reduction targets of 50 percent by 2020 and 75 percent by 2025, based on the 2014 organics waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code, and requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The SB 1383 Regulations place requirements on multiple entities, including counties, cities, residential households, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of statewide Organic Waste disposal reduction targets with compliance required beginning January 1, 2022.

- (f) In furtherance of the food recovery objectives of the laws noted above and to reduce legal risks associated with food recovery, the State food donation law, Assembly Bill 1219 of 2017, the California Good Samaritan Food Donation Act of 2017 (approved by the Governor of the State of California on October 9, 2017, which amended Section 1714.25 of the Civil Code, amended Section 58502 of, and repealed Section 58506 of, the Food and Agricultural Code, and amended Sections 114432, 114433, and 114434 of, and added Section 114435 to, the Health and Safety Code, as amended, supplemented, superseded and replaced from time to time), provides additional protections for entities that donate and distribute food for human consumption.
- (g) By January 1, 2022, the SB 1383 Regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations.
- (h) It is in the public interest for haulers, processors, facility operators, businesses, institutions, and the public to work together to advance the goals in the state legislation noted above.

SECTION 2. TITLE OF ORDINANCE

This Ordinance is titled “Organics Reduction and Recycling Ordinance”.

SECTION 3. DEFINITIONS

The following definitions govern the use of terms in this Ordinance:

- (a) “Back-Haul” means generating and transporting Organic Waste to a destination owned and operated by a generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- (b) “C&D” means construction and demolition debris.
- (c) “CalRecycle” means California’s Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SB 1383 Regulations.
- (d) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (e) “Certification of Recycling Service Form” means documentation certifying that a Commercial Business does not subscribe to collection services for Compost Containers and/or Recycling Containers because the Commercial Business has arranged for collection of its Source Separated Compost Container Organic Waste and/or Source Separated Recyclable Materials by self-hauling, Back-Haul

contracting with a third-party hauler, or shares service with another Commercial Business.

- (f) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, institution or association (whether incorporated or unincorporated or for-profit or nonprofit), strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6).
- (g) “Commercial Edible Food Generator” includes a Tier One, or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (h) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (i) “Compliance Review” means a review of records by the Enforcement Agency to evaluate compliance with this Ordinance.
- (j) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.
- (k) “Compost Container” has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Compost Container Organic Waste.
- (l) “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 and D6868 standards for compostability and are certified by the Biodegradable Products Institute (BPI) or similar third-party approved by the WMA and are approved by the City of Trinidad for placement in the Compost Container.
- (m) “Container Contamination” or “Contaminated Container” means a container, regardless of type, which contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (n) “Designee” means an entity that the City of Trinidad contracts with or otherwise arranges to carry out or assist with any of the City of Trinidad with the SB 1383 Regulations or administration or enforcement of this Ordinance. A Designee may be a government entity, a private entity, or a combination of those entities.
- (o) “Edible Food” means food intended for human consumption, or as otherwise

defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, et seq.

- (p) "Enforcement Action" means an action of the relevant Enforcement Agency to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (q) "Enforcement Agency" means an entity with the authority to enforce part, or all of this Ordinance as specified herein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this Ordinance. Nothing in this Ordinance authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity.
- (r) "Excluded Waste" means hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City of Trinidad and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the reasonable opinion of the City of Trinidad or a Regulated Hauler operating in Trinidad would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose Trinidad or a Regulated Hauler to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City of Trinidad's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the City of Trinidad or the Regulated Hauler providing service to the generator.

- (s) “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
 - (t) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
 - (u) “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
 - (v) “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.
- A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.
- (w) “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
 - (x) “Food Scraps” means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
 - (y) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
 - (z) “Food-Soiled Paper” is compostable paper material that has come in contact with

food or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes, and is approved by the applicable the City of Trinidad for placement in the Compost Container.

- (aa) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics in combination or separately.
- (bb) “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (cc) “Hauler Route” means the designated itinerary or sequence of stops for each segment of a Trinidad’s collection service area, or as otherwise defined in 14 CCR Section 18982(a) (31.5).
- (dd) “Health Facility” has the same meaning as in Section 1250 of the Health and Safety Code.
- (ee) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (ff) “Hotel” has the same meaning as in Section 17210 of the Business and Professions Code.
- (gg) “Inspection” means an Enforcement Agency’s electronic or on-site review of records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (hh) “Landfill Container” has the same meaning as “Gray Container” in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Landfill Container Waste.
- (ii) “Landfill Container Waste” means Solid Waste that is collected in a Landfill Container that is part of a three-container or three-plus container collection service that prohibits the placement of Organic Waste in the Landfill Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section

17402(a) (6.5). (Three container collection service refers to service collecting materials in Landfill Containers, Organics Containers, and Recycling Containers.)

- (jj) "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Ordinance. For the purposes of this definition of Large Event, "local agency" means all public agencies except those that are not subject to the regulatory authority of the City of Trinidad.
- (kk) "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Ordinance.
- (ll) "Mixed Waste Organic Collection Stream" or "Mixed Waste" means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a) (11.5).
- (mm) "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing this Ordinance. Consistent with the SB 1383 Regulations, residential premises that consist of fewer than five units are not "Multi-Family" and instead are "Single-Family" for the purposes of implementing this Ordinance. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered other types of Commercial Businesses.
- (nn) "MWELO" is the Model Water Efficient Landscape Ordinance.
- (oo) "Non-Compostable Paper" includes, but is not limited to, paper that is coated, lined or treated with a non-compostable material, or otherwise unacceptable to the compostable materials handling facility processing the material.

(pp) "Non-Local Entity" means the following entities that are not subject to the City of Trinidad's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

- (1) Public universities located within the boundaries of the City of Trinidad, including Cal Poly Humboldt's Telonicher Marine Lab.
- (2) Federal facilities located within the boundaries of the City of Trinidad, including Bureau of Land Management facilities.
- (3) Facilities operated by the State Park system located within the boundaries of the City of Trinidad, including Trinidad State Beach.

(qq) "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable materials including but not limited to recyclable food and beverage glass containers, metal (aluminum and steel) food and beverage cans, HDPE (high density polyethylene) bottles and PET (polyethylene terephthalate) bottles, and other materials specified in 14 CCR Section 18982(a)(43).

(rr) "Notice of Violation" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

(ss) "Organic Waste" means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

(tt) "Organic Waste Generator" means a Person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

(uu) "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

(vv) "Person" includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever, or as otherwise defined in Public Resources Code Section 40170.

- (ww) "Printing and Writing Paper" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (xx) "Prohibited Container Contaminants" includes all of the following: (i) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the Recycling Container; (ii) materials placed in the Compost Container that are not identified as acceptable Source Separated Compost Container Organic Waste for the Compost Container; (iii) materials placed in the Landfill Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Compost Container Organic Waste that can be placed in the Compost Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container.
- (yy) "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (zz) "Recycling Container" has the same meaning as "Blue Container" in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials and Source Separated Recycling Container Organic Waste.
- (aaa) "Regulated Hauler" means a Person that collects Solid Waste (other than Solid Waste generated by a permitted building project) originating in Trinidad from Compost Containers, Recycling Containers, and/or Landfill Containers, and does so under a contract, franchise agreement, or permit with the City of Trinidad.
- (bbb) "Remote Monitoring" means the use of mechanical or electronic devices to identify the types of materials in Recycling Containers, Compost Containers, and/or Landfill Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- (ccc) "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (ddd) "Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical or electronic Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

- (eee) "SB 1383" means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.
- (fff) "SB 1383 Regulations" means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (ggg) "Self-Hauler" means a Person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another Person for disposition as allowed by the City of Trinidad and otherwise in accordance with all applicable laws. Self-Hauler also includes a Person who Back-Hauls such materials, and as otherwise defined in 14 CCR Section 18982(a)(66).
- (hhh) "Single-Family" means, for purposes of this Ordinance, of, from, or pertaining to any residential premises with fewer than five units.
- (iii) "Solid Waste" has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
- (1) Hazardous waste, as defined in the Public Resources Code Section 40141.
 - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
 - (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.
- (jjj) "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Ordinance,

Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Landfill Container Waste or other Solid Waste for the purposes of collection and processing.

(kkk) "Source Separated Compost Container Organic Waste" means Source Separated Organic Waste that can be placed in a Compost Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Recycling Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

(III) "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Recycling Container Organic Waste.

(mmm) "Source Separated Recycling Container Organic Waste" means Source Separated Organic Wastes that can be placed in a Recycling Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables, as defined herein or as otherwise defined in Sections 18982(a)(43) and 18982(a)(46). Source Separated Recycling Container Organic Waste shall include materials as determined by the City of Trinidad and includes unsoiled Paper Products and Printing and Writing Paper.

(nnn) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(ooo) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Ordinance.

(ppp) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
 - (2) Hotel with an on-site Food Facility and 200 or more rooms.
 - (3) Health facility with an on-site Food Facility and 100 or more beds.
 - (4) Large Venue.
 - (5) Large Event.
- (qqq) “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

SECTION 4. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3 or such later deadline established by State law or regulations.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024, or such later deadline established by State law or regulations.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection for Food Recovery of Edible Food that would otherwise be disposed; or (ii) acceptance of Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
 - (4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
 - (5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (6) Allow the Enforcement Agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR Section 18991.4.
 - (7) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or Food Recovery Organization

that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

- (B) A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this Ordinance.
- (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (D) If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Services pursuant to Section 7(c)(2), a record that describes (i) its direct donation of Edible Food to end recipients (including employees) and/or (ii) its food waste prevention practices that result in it generating no surplus Edible Food that it can donate.
- (8) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agency that includes the information in Section 7(c)(7). Entities shall provide the requested information within 60 days of the request.
- (d) Nothing in this Ordinance shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 commencing with Section 49580 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or (2) otherwise applicable food safety and handling laws and regulations.
- (e) Nothing in this Ordinance prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).
- (f) The Enforcement Agency for the provisions of this section is the City of Trinidad.

SECTION 5. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

- (a) Nothing in this Ordinance prohibits a Food Recovery Service or Food Recovery Organization from refusing to accept edible food from a Commercial Edible Food Generator, in accordance with 14 CCR Section 18990.2(d).
- (b) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (c) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in Trinidad and contract with or have written

agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City of Trinidad the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) according to the following schedule: (i) no later than August 15, 2022, submit an initial report covering the period of January 1, 2022 to June 30, 2022; and (ii) no later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.

- (e) In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in Trinidad shall provide, upon request, information and consultation to the City of Trinidad regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the City of Trinidad. A Food Recovery Service or Food Recovery Organization contacted by the Enforcement Agency shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the Enforcement Agency.
- (f) The Enforcement Agency for the provisions of this section is Trinidad City of Trinidad.

SECTION 6. REQUIREMENTS FOR REGULATED HAULERS AND FACILITY OPERATORS

- (a) Requirements for Regulated Haulers.
 - (1) A Regulated Hauler providing Single-Family, Commercial, or industrial Organic Waste collection service to generators within Trinidad shall meet the following requirements and standards in connection with collection of Organic Waste:
 - (A) Through written notice to the City of Trinidad annually on or before March 31, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Compost Container Organic Waste if applicable.
 - (B) Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Compost Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (C) Obtain approval from the City of Trinidad to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a

manner that complies with 14 CCR Section 18989.1 and any City of Trinidad rules.

- (2) Within the boundaries of Trinidad in which it has customers, a Regulated Hauler collecting Organic Waste shall:
- (A) Up to four times per year, provide reports to the City of Trinidad on Commercial Business account information and service levels in a form to be specified by the Trinidad.
 - (B) Assist in the dissemination of SB 1383 educational materials to Single-Family and Commercial Business accounts.
 - (C) At least annually and during new staff on-boarding, train Regulated Hauler's customer service representatives and account managers/recycling coordinators serving Organic Waste Generators in Trinidad on any generator requirements.
 - (D) Provide quarterly reports to the City of Trinidad identifying Single-Family and Commercial accounts that are subscribed to Landfill Container collection service, Recycling Container service, and/or Compost Container collection service. If a Regulated Hauler providing Landfill Container collection service does not offer Recycling Container Collection Service and/or Compost Container collection service to its Landfill Container collection service customers, the requirements of subsection (D) and (E) shall not apply with respect to those customers and the type(s) of service that is not offered.
 - (E) Inform generators when Container Contamination is observed by the Regulated Hauler.
 - (F) If requested by the Enforcement Agency, assist generators with verification of physical space constraints when generator submits an application for a physical space waiver.
 - (G) Provide Commercial Business accounts with interactive assistance such as employee trainings, in a virtual or in-person format, when Recycling Container collection service or Composting Container collection service is added, or upon request.

- (3) The Enforcement Agency for this section is the City of Trinidad.
- (b) Requirements for Facility Operators and Community Composting Operations
 - (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon request from the City of Trinidad, provide within 60 days information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.
 - (2) Community Composting operators shall, upon request from the City of Trinidad, provide within 60 days information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of OrganicWaste anticipated to be handled at the Community Composting operation.
 - (3) The Enforcement Agency for the provisions of this section is the City of Trinidad.

SECTION 7. COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS

- (a) Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen. If the requirements of CALGreen are more stringent then the requirements of this section, the CALGreen requirements shall apply.

Project applicants shall refer to Jurisdiction's building and/or planning code for complete CALGreen requirements.
- (b) For projects covered by CALGreen, the applicants must, as a condition of the Jurisdiction's permit approval, comply with the following:
 - (1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the three container collection program offered by the Jurisdiction, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

- (2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three container program offered by the Jurisdiction, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
- (3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with Jurisdiction's C&D ordinance, and all written and published Jurisdiction policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

SECTION 8. MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS

- (a) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo, including sections related to use of Compost and mulch.
- (b) The following Compost and mulch use requirements that are part of the MWELo are now also included as requirements of this ordinance. Other requirements of the MWELo are in effect and can be found in 23 CCR, Division 2, Chapter 2.7
- (c) Property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in Section 8(a) above shall:
 - (1) Comply with Sections 492.6 (a)(3)(B)(C), (D) and (G) of the MWELo, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
 - (A) For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - (B) For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for

beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

- (C) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
- (2) The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 14(a) shall consult the full MWELO for all requirements.
- (d) If, after the adoption of this ordinance, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO September 15, 2015 requirements in a manner that requires Jurisdictions to incorporate the requirements of an updated MWELO in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

SECTION 9. INSPECTIONS AND INVESTIGATIONS

The Enforcement Agency is authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with the provisions of this Ordinance for which it has enforcement authority by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, Regulated Haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for Inspection.

- (a) A Person subject to the requirements of this Ordinance shall provide or arrange for access during all Inspections (with the exception of a private residential dwelling unit) and shall cooperate with the Enforcement Agency during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Ordinance. Failure to provide or arrange for: (i) access to the premises; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties .
- (b) Any records obtained by the Enforcement Agency during Inspections and other

reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

- (c) The Enforcement Agency is authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.
- (d) The Enforcement Agency shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this Ordinance.
- (e) The Enforcement Agency is the City of Trinidad and any Designee authorized by Trinidad to enforce one or more sections of this Ordinance.

SECTION 10. ENFORCEMENT

Violation of any provision of this Ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Agency. Enforcement Actions under this Ordinance are issuance of an administrative citation and assessment of a fine. The Enforcement Agency's procedures on imposition of administrative citations and fines as contained shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this Ordinance and any rule or regulation adopted pursuant to this Ordinance, except as otherwise indicated in this Ordinance.

- (a) Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The Enforcement Agency may pursue civil actions in the California courts to seek recovery of unpaid administrative citations, and fines. The Enforcement Agency may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of Enforcement Agency staff and resources.
- (b) Process for Enforcement
 - (1) All provisions of this Ordinance may be enforced beginning on January 1, 2024:
 - (2) The Enforcement Agency will monitor compliance with this Ordinance through Compliance Reviews, investigation of complaints, and an inspection program.
 - (3) The Enforcement Agency may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
 - (4) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Enforcement Agency shall commence an action to

impose penalties, via an administrative citation and fine, pursuant to the Enforcement Agency's standard procedures.

(c) Penalty Amounts for Violations

The penalty levels are as follows:

- (1) For a first violation, the amount of the penalty shall be \$50 to \$100 per violation, or such higher amount as may be established by the Enforcement Agency.
- (2) For a second violation, the amount of the penalty shall be \$100 to \$200 per violation, or such higher amount as may be established by the Enforcement Agency.
- (3) For a third or subsequent violation, the amount of the penalty shall be \$250 to \$500 per violation, or such higher amount as may be established by the Enforcement Agency.

(d) Compliance Deadline Extension Considerations

The Enforcement Agency may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of nature such as earthquakes, wildfires, flooding, and other emergencies or natural disasters.
- (2) Delays not within the control of respondent or their agents in obtaining discretionary permits or other government agency approvals; or,

(e) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed in the administrative citation and consistent with the Enforcement Agency's appeal procedures.

(f) Education Period for Non-Compliance

With respect to provisions of this Ordinance subject to enforcement starting January 1, 2024, the Enforcement Agency will, prior to that date, conduct Inspections, Compliance Reviews, and other enforcement investigative actions depending upon the type of regulated entity, to determine compliance, and if the Enforcement Agency determines that Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Ordinance and a notice

that compliance is required and that violations may be subject to administrative citations, penalties, or other remedies starting on January 1, 2024.

(g) Civil Penalties for Non-Compliance

If the Enforcement Agency determines that an Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Ordinance, it may document the noncompliance or violation, issue a Notice of Violation, and/or take Enforcement Action pursuant to this section, as needed and consistent with the enforcement commencement dates set forth above.

(h) The Enforcement Agency for the provisions of this section is the City of Trinidad and any Designee authorized by the City of Trinidad to enforce one or more sections of this Ordinance.

SECTION 11. SEVERABILITY

If any provision of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such invalidity shall not affect the remaining provisions or application of the remaining provisions of this Ordinance, which can be given effect without the invalid provisions or application.

SECTION 12. EFFECTIVE DATE OF ORDINANCE 2022-02

PASSED AND ADOPTED by the City Council of the City of Trinidad, State of California, on **Tuesday, March 24, 2022**, by the following vote:

AYES:

NOES:

ABSTAIN:

Attest:

Gabriel Adams
Trinidad City Clerk

Steve Ladwig
Mayor

First Reading of Ordinance 2022-02: Tuesday, March 24, 2022

Second Reading of Ordinance 2022-02: Tuesday, June 14, 2022



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION ATTACHED

2. Discussion/Decision regarding First Reading of Ordinance 2022-03; Tourist Occupancy Tax Ordinance Amendment.

Staff Report

On April 12, 2022, the City Council directed staff to review, consider and propose amendments to the City of Trinidad Tourist Occupancy Tax “TOT” Ordinance for City Council consideration at a future Council meeting and, to the extent required by applicable law, submission to the voters of the City of Trinidad for approval and/or ratification.

As the City Council is aware, the City’s TOT Ordinance is in Chapter 3.20 of Title 3 of the Trinidad Municipal Code. This Chapter was originally enacted in April 1992 with an amendment later in calendar year 1992. It includes provisions allowing the City to set the collected tax rate by Council Resolution, and a rate increase was adopted by the Council in calendar year 1993 (6% to 8%). The ordinance was amended by the Council in 2011 (8% to 10%) and an additional increase was proposed the first quarter of 2022 (10% to 12%). Concerns were raised as to the rate increase so the resolution increasing to 12% was rescinded by the Council in March 2022 and the rate was reduced to 8% by the Council in April 2022.

The proposed tax measure, if approved by the voters in November, would raise the tourist occupancy tax rate from 8% to 12%, resulting in an estimated \$65,000 annual revenue increase. The funds raised by this measure would be collected by the City and remain with the City.

The City Council does not have the authority to establish or raise taxes, only to put a measure on the ballot for voter approval. In order to place a tax measure on the November 8, 2022 ballot, the City Council must approve the submission of the proposed Ordinance to the voters by a 2/3 vote of the City Council (at least 4 members).

The ordinance shall take effect only if approved by a majority of the voters voting on the measure at the November 8, 2022, General Municipal Election and shall become effective ten (10) days after the City Council declares and certifies by resolution the results of the election and that the measure was approved by a majority of the voters voting thereon.

If the proposed tax measure is approved by the voters in November, the 12% tax rate would be operative April 1, 2023. Until that time, the existing 8% tax rate would be collected. Comments received by City staff for the April 12, 2022 Council meeting noted that it would be helpful for operators to have sufficient notice when there are TOT rate changes. The intent of providing the April 1, 2023 operative date for the TOT is to provide sufficient notice to operators. Additionally, because the TOT is reported and remitted to the City on a quarterly basis, it would provide a convenience to the operators for the rate change to occur at the beginning of a new quarter.

In addition to the proposed tax rate increase, the proposed Ordinance, among other things, updates the definitions of “lodging house,” “operator,” “rent,” “tourist,” and includes a definition of “online travel company.” Some additional modifications are for the tax administrator to provide written notice if an assessment determination is made, changes to the appeals process and record keeping, and clarifying the refund process, and removal of criminal penalties for violation of the Ordinance. A copy of the proposed ordinance with strikeout of the existing language and underlining of the proposed language is attached to this report.

The proposed Ordinance includes the following material provisions:

1. Increases the tourist occupancy tax from eight percent (8%) to twelve (12%).

2. Provides that the Ordinance will not take effect unless and until approved by a simple majority of the qualified voters.

Once the Ordinance has been approved by the Council (Item 4 of the Staff Recommendation), the proposed ordinance is then submitted to the voters for adoption. This is accomplished via the proposed Resolution (Item 5 of the Staff Recommendation). As part of the Resolution, the Council is approving the Ballot Title and Ballot Question. The resolution includes the following:

Trinidad Tourist Occupancy Tax Measure	
To maintain and improve essential public safety services, including law enforcement, roads, and essential services, shall the City of Trinidad measure to increase the existing tourist occupancy tax rate from 8% to 12%, raising an approximate additional amount of \$65,000 annually, with all funds remaining in Trinidad, be adopted?	Yes
	No

The Resolution further sets dates for submission of arguments for or against and authorizes the Mayor Pro-Tem to submit a written argument in support on behalf of the Council.

Staff Recommendation:

1. Receive a report from staff regarding a proposed ballot measure to levy an increase in the existing tourist occupancy tax rate from eight percent (8%) to twelve percent (12%) within the City to fund essential public safety services, including law enforcement, roads, and essential services.
2. Take public comment.
3. Council discussion.
4. Introduce, on first reading by title only, and submit to the voters Ordinance No. 2022-03, to levy an increase to the existing tourist occupancy tax rate from eight percent (8%) to twelve percent (12%) within the City to fund essential public safety services, including law enforcement, roads, and essential services, subject to approval by the voters at the November 8, 2022, general municipal election. *(Two third vote of the Council required)*
5. Adopt Resolution No. 2022-10, which:
 - a. Submits Ordinance No. 2022-03 to the qualified voters at the November 8, 2022 general municipal election;
 - b. Requests the election on the ordinance be consolidated with the Statewide General Election;
 - c. Sets dates for submission of arguments for and against the proposed tax measure;
 - d. Sets dates for submission of rebuttal arguments;
 - e. Authorizes the Mayor Pro-Tem to submit a written argument in favor of the measure on behalf of the Council;
 - f. Requests the City Attorney prepare an impartial analysis of the measure; and

- g. Agrees to reimburse the County for the costs of conducting the election on the measure.

Financial Impact:

The estimated cost to conduct the election on the ballot measure is approximately \$5,000.

Attachments:

- *Ordinance No. 2022-03, An Ordinance Of The People Of The City Of Trinidad Approving And Authorizing A Tourist Occupancy Tax To Provide Supplemental Funding For Roads, Law Enforcement, And Essential Services Within The City Of Trinidad*
- *Resolution No. 2022-10, A Resolution Of The City Council Of The City Of Trinidad, California Ordering The Submission To The Qualified Electors Of The City Of Trinidad A Certain Measure Relating To A Proposed Ordinance Approving And Authorizing An Increase To The Tourist Occupancy Tax For General Purposes At The General Municipal Election To Be Held On Tuesday, November 8, 2022, Directing The City Attorney To Prepare An Impartial Analysis Of The Measure; Setting The Dates For Arguments On The Measure; And Requesting The Board Of Supervisors Of The County Of Humboldt To Consolidate Said Election Pursuant To Section 10403 Of The Elections Code*
- *Chapter 3.20 Tourist Occupancy Tax showing proposed deletions in strikeout and proposed additions in underline.*

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Steve Ladwig, Mayor
Gabriel Adams, City Clerk



ORDINANCE No. 2022-03

AN ORDINANCE OF THE PEOPLE OF THE CITY OF TRINIDAD APPROVING AND AUTHORIZING A TOURIST OCCUPANCY TAX TO PROVIDE SUPPLEMENTAL FUNDING FOR ROADS, LAW ENFORCEMENT, AND ESSENTIAL SERVICES WITHIN THE CITY OF TRINIDAD

WHEREAS, the City of Trinidad ("City") has historically levied a tourist occupancy tax, which is currently codified as Chapter 3.20 of the Trinidad Municipal Code;

WHEREAS, Revenue and Taxation Code Section 7280 authorizes the City to levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging; and,

WHEREAS, the tourist occupancy tax is paid only by tourists, and is not a tax on local home or property owners and helps ensure that out of town visitors pay their fair share for services they use such as roads, law enforcement, or other essential services; and

WHEREAS, the City desires to amend the existing tourist occupancy tax to, among other things, increase the rate of such general tax from 8% to 12% for the purpose of funding roads, law enforcement, and other essential services at a rate of twelve percent (12%) on the rent charged to the tourist; and

WHEREAS, the City Council has determined that the most prudent, reasonable, and financially responsible action it can take to preserve the fiscal stability of the City and to protect vital services in our City is to place before the voters a ballot measure to approve the amendments to the existing tourist occupancy tax measure and to recommend its adoption to the voters; and

WHEREAS, if approved, the operative date of the new rate of twelve percent (12%) will be April 1, 2023; and

WHEREAS, the tax, if approved by a majority of the voters, would be authorized until repealed.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF TRINIDAD ORDAIN AS FOLLOWS:

SECTION 1. APPROVAL OF TAX RATE INCREASE. The qualified votes of the City of Trinidad hereby approve and adopt an ordinance increasing the currently imposed tourist occupancy tax, as codified in Chapter 3.20 of the Trinidad Municipal Code, from 8% to 12%, unless sooner repealed by the City Council or by the voters.

SECTION 2. MUNICIPAL CODE AMENDMENT. Chapter 3.20, Tourist Occupancy Tax, of Title 3 of the Trinidad Municipal Code is hereby amended and replaced in its entirety with the following:

Chapter 3.20 TOURIST OCCUPANCY TAX

Sections:

- 3.20.010 Citation of provisions.**
- 3.20.020 Definitions.**
- 3.20.030 Imposed – Rate.**
- 3.20.040 Collection required.**
- 3.20.050 Registration certificate – Required – Contents.**
- 3.20.060 Reports and remittances.**
- 3.20.070 Failure to promptly remit tax – Penalties.**
- 3.20.080 Assessments against operators – Notice and hearing.**
- 3.20.090 Appeals.**
- 3.20.100 Record keeping.**
- 3.20.110 Refunds.**
- 3.20.120 Tax deemed debt to city – Action by city to collect.**
- 3.20.130 Amendments of Ordinance – Rescission of Tax**
- 3.20.140 Duration of Tax**

3.20.010 Citation of provisions.

This chapter shall be known as “the uniform tourist occupancy tax ordinance” of the city.

3.20.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Lodging house” means any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, vacation dwelling unit, short term rental, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location except when located within a mobile home park or RV park, or other similar structure or portion thereof.

“Occupancy” means the use or possession, or the right to the use or possession, of any room or rooms, or portion thereof, in any lodging house for dwelling or sleeping purposes.

“Online Travel Company” means any person, whether operating for profit or not for profit, which enables tourists to purchase occupancy of space in a hotel via the Internet, or by similar electronic means.

“Operator” means the person who is proprietor of the lodging house, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing or booking agent of any type or character other than an employee, including but not limited to an online travel company, the managing/booking agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing/booking agent shall, however, be considered to be compliance by both.

“Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination existing as a unit.

“Rent” means the total consideration charged to the tourist, (including but not limited to, room rates, service charges, retail markup, commissions, processing fees, cancellation charges, attrition fees or online booking fees), whether or not received, for the occupancy of space for lodging valued in money, including all receipts, cash, credits and property services of any kind or nature, without any deduction therefrom whatsoever.

“Tax administrator” means the city clerk.

“Tourist” means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a tourist until the period of 30 days has expired.

3.20.030 Imposed – Rate.

For the privilege of occupancy in any lodging house, each tourist is subject to, and shall pay, a tourist occupancy tax (“TOT”). The TOT constitutes a debt owed by the tourist to the city. The tourist shall pay the TOT to the lodging house operator based on the rent charged by the operator at the time the rent is paid. If the rent is paid in installments, a proportionate share of the TOT shall be paid with each installment. The unpaid TOT shall be due upon the tourist’s ceasing to occupy space in the lodging house. If for any reason the TOT due is not paid to the lodging house operator, the tax administrator may require that such TOT shall be paid directly to the tax administrator.

The TOT is hereby set in the amount of eight (8) percent of the rent charged by the operator until March 31, 2023. Beginning April 1, 2023, the TOT is hereby set in the amount of twelve (12) percent of the rent charged by the operator.

3.20.040 Collection required.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every tourist. The amount of tax shall be separately stated from the amount of the rent charged, and each tourist shall receive a receipt for payment from the operator. No operator of a lodging house shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided under this chapter.

3.20.050 Registration certificate – Required – Contents.

A. Within 30 days after the effective date of the ordinance codified in this chapter, or within 30 days after commencing business, whichever is later, each operator of any lodging house renting occupancy to tourists shall register such lodging house with the tax administrator and obtain from him a tourist occupancy registration certificate to be at all times posted in a conspicuous place on the premises.

B. Such certificate shall, among other things, state as follows:

1. Name of the operator;
2. The address of the lodging house;
3. The date upon which the certificate was issued; and
4. This tourist occupancy registration certificate signifies that the person named on the face thereof has fulfilled the requirements of the uniform tourist occupancy tax ordinance by registering with the tax administration for the purpose of collecting from tourists the tourist occupancy tax and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a lodging house without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit.

3.20.060 Reports and remittances.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax administrator, make a return to the tax administrator, on forms provided by him, of the total rents charged and received and the amount of tax collected for tourist occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to ensure collection of the tax and he

may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax administrator.

3.20.070 Failure to promptly remit tax – Penalties.

A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of 10 percent of the amount of the tax in addition to the amount of the tax.

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10 percent of the amount of the tax in addition to the tax and the 10 percent penalty first imposed.

C. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (A) and (B) of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provision of this section shall become a part of the tax required to be paid under this chapter.

3.20.080 Assessments against operators – Notice and hearing.

A. If any operator fails or refuses to collect such tax and to make, within the time provided in this chapter, any report and remittance of such tax or any portion thereof required this chapter, the tax administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due.

B. As soon as the tax administrator procures such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter.

C. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within 10

days after the serving and mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable.

D. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in such notice why such amount specified therein should not be fixed for such tax, interest, and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed.

E. After such hearing, the tax administrator shall determine in the manner prescribed in this section of such determination the amount of such tax, interest, and penalties. The tax administrator shall thereafter give written notice in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided in this chapter.

3.20.090 Appeals.

Any operator aggrieved by any decision of the tax administration with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing notice of appeal with the city clerk within 15 days of the service or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at the last known place of address. At the time set for the hearing, or at the date to which the hearing may be continued by the city council, the city council shall hear testimony from the tax administrator, operator and/or his representatives, and any other competent witnesses and decide whether the determination of the tax administrator was correct or not, and if not what tax, interest or penalties, if any, are due to the county from the operator. The city council may place any witnesses, including the operator, under oath. The findings of the city council shall be final and conclusive and shall be served upon the appellant in the manner prescribed in Trinidad Municipal Code 3.20.080 for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.20.100 Record keeping.

A. It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of five years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the tax administrator shall have the right to inspect at all reasonable times. If an operator refuses to make such records available for inspection, the City may issue a subpoena pursuant

to Section 37104, et seq., of the California Government Code or utilize any other lawful means to access and inspect such records.

B. Purpose and Performance of the Audit: Operators should be aware that they are subject to audit. Audits are necessary to determine whether operators are accurately reporting occupancy tax and promote compliance. No matter which city department may perform the audit, requests are at the tax administrator's reasonable discretion.

C. When to Perform an Audit: Audits may be performed at the following suggested intervals:

1. Any time the tax administrator believes an operator is underreporting.
2. When there is a pending change in lodging house ownership.
3. Any time the tax administrator believes the business may be subject to the tax but has not registered.
4. At regular intervals, with the time between audits dictated by the number of lodging houses to be audited or staff available to audit.

3.20.110 Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in subsections (B) and (C) of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within one year of the date of payment.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received by the city.

C. A tourist may claim a refund of taxes overpaid, paid more than once, or erroneously or illegally collected or received by the city.

D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records.

3.20.120 Tax deemed debt to city – Action by city to collect.

Any tax required to be paid by any tourist under the provisions of this chapter shall be deemed a debt owed by the tourist to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the tourist to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount and for attorneys' fees in the enforcement of this chapter.

3.20.130-Amendments of Ordinance – Rescission of Tax.

A. The following amendments to this ordinance must be approved by the voters of the City of Trinidad:

1. increasing the tax rate or revising the methodology for calculating the tax such that a tax increase would result; or

2. imposing the tax on tourists or persons not previously subject to the tax.

B. Except as provided in subsection A of Section 3.20.130 of this ordinance or as prohibited by law, the City Council may amend this ordinance without submitting the amendment to the voters for approval

C. The City Council may, with a four-fifths vote of the entire Council, rescind the ordinance codified in this ordinance and terminate the tax at any time and without voter approval.

3.20.140 Duration of the Tax

The tax authorized by this Chapter shall remain in effect until repealed in accordance with law.

SECTION 3. EFFECTIVE DATE. This ordinance relates to the levying and collecting of a general tourist occupancy tax and shall take effect only if approved by a majority of the voters voting on the measure at the November 8, 2022, General Municipal Election and shall become effective ten (10) days after the City Council declares and certifies by resolution the results of the election and that the measure was approved by a majority of the voters voting thereon.

SECTION 4. PUBLICATION. Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this ordinance and shall cause it to be published according to law.

SECTION 5. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The tax enacted by this Ordinance is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060 CEQA analysis is not required.

SECTION 6. SEVERABILITY. Should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this ordinance as hereby adopted shall remain in full force and effect.

INTRODUCED, PASSED, AND SUBMITTED TO THE VOTERS FOR ADOPTION by the City Council of the City of Trinidad on the 14th day of June, 2022, by at least a two-thirds vote of the City Council, as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Gabriel Adams
City Clerk

Jack West
Mayor Pro-Tem

Chapter 3.20 TOURIST OCCUPANCY TAX

Sections:

- 3.20.010 Citation of provisions.**
- 3.20.020 Definitions.**
- 3.20.030 Imposed – Rate.**
- 3.20.040 Collection required.**
- 3.20.050 Registration certificate – Required – Contents.**
- 3.20.060 Reports and remittances.**
- 3.20.070 Failure to promptly remit tax – Penalties.**
- 3.20.080 Assessments against operators – Notice and hearing.**
- 3.20.090 Appeals.**
- 3.20.100 Record keeping.**
- 3.20.110 Refunds.**
- 3.20.120 Tax deemed debt to city – Action by city to collect.**
- 3.20.130 ~~Violation – Penalty.~~ Amendments of Ordinance – Rescission of Tax**
- 3.20.140 Duration of the Tax**

3.20.010 Citation of provisions.

This chapter shall be known as “the uniform tourist occupancy tax ordinance” of the city.

3.20.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Lodging house” means any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, vacation dwelling unit, short term rental, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location except when located within a mobile home park or RV park, or other similar structure or portion thereof.

“Occupancy” means the use or possession, or the right to the use or possession, of any room or rooms, or portion thereof, in any lodging house for dwelling or sleeping purposes.

“Online Travel Company” means any person, whether operating for profit or not for profit, which enables tourists to purchase occupancy of space in a hotel via the Internet, or by similar electronic means.

“Operator” means the person who is proprietor of the lodging house, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing or booking agent of any type or character other than an employee, including but not limited to an online travel company, the managing/booking agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing/booking agent shall, however, be considered to be compliance by both.

“Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination existing as a unit.

“Rent” means the total consideration charged to the tourist, (including but not limited to, room rates, service charges, retail markup, commissions, processing fees, cancellation charges, attrition fees or online booking fees), whether or not received, for the occupancy of space for lodging valued in money, including all receipts, cash, credits and property services of any kind or nature, without any deduction therefrom whatsoever.

“Tax administrator” means the city clerk.

“Tourist” means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a tourist until the period of 30 days has expired. ~~unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy~~

3.20.030 Imposed – Rate.

For the privilege of occupancy in any lodging house, each tourist is subject to, and shall pay, a tourist occupancy tax (“TOT”). The TOT constitutes a debt owed by the tourist to the city. The tourist shall pay the TOT to the lodging house operator based on the rent charged by the operator at the time the rent is paid. If the rent is paid in installments, a proportionate share of the TOT shall be paid with each installment. The unpaid TOT shall be due upon the tourist’s ceasing to occupy space in the lodging house. If for any reason the TOT due is not paid to the lodging house operator, the tax administrator may require that such TOT shall be paid directly to the tax administrator.

The TOT is hereby set in the amount of eight (8)40 percent of the rent charged by the operator until March 31, 2023. Beginning April 1, 2023, the TOT is hereby set in the amount of twelve (12) percent of the rent charged by the operator.

~~The amount of the TOT may be set by resolution of the city council from time to time.~~

3.20.040 Collection required.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every tourist. The amount of tax shall be separately stated from the amount of the rent charged, and each tourist shall receive a receipt for payment from the operator. No operator of a lodging house shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided under this chapter

3.20.050 Registration certificate – Required – Contents.

A. Within 30 days after the effective date of the ordinance codified in this chapter, or within 30 days after commencing business, whichever is later, each operator of any lodging house renting occupancy to tourists shall register such lodging house with the tax administrator and obtain from him a tourist occupancy registration certificate to be at all times posted in a conspicuous place on the premises.

B. Such certificate shall, among other things, state as follows:

1. Name of the operator;
2. The address of the lodging house;
3. The date upon which the certificate was issued; and
4. This tourist occupancy registration certificate signifies that the person named on the face thereof has fulfilled the requirements of the uniform tourist occupancy tax ordinance by registering with the tax administration for the purpose of collecting from tourists the tourist occupancy tax and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a lodging house without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit.

3.20.060 Reports and remittances.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax administrator, make a return to the tax administrator, on forms provided by him, of the total rents charged and received and the amount of tax collected for tourist occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to ensure collection of the tax and he may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax administrator.

3.20.070 Failure to promptly remit tax – Penalties.

A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of 10 percent of the amount of the tax in addition to the amount of the tax.

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10 percent of the amount of the tax in addition to the tax and the 10 percent penalty first imposed.

C. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (A) and (B) of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provision of this section shall become a part of the tax required to be paid under this chapter.

3.20.080 Assessments against operators – Notice and hearing.

A. If any operator fails or refuses to collect such tax and to make, within the time provided in this chapter, any report and remittance of such tax or any portion thereof required this chapter, the tax administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due.

B. As soon as the tax administrator procures such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter.

C. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within 10 days after the serving and mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable.

D. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in such notice why such amount specified therein should not be fixed for such tax, interest, and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed.

E. After such hearing, the tax administrator shall determine in the manner prescribed in this section of such determination the amount of such tax, interest, and penalties. The tax administrator shall thereafter give written notice in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided in this chapter.

3.20.090 Appeals.

Any operator aggrieved by any decision of the tax administration with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing notice of appeal with the city clerk within 15 days of the service or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at ~~the~~ his last known place of address. At the time set for the hearing, or at the date to which the hearing may be continued by the city council, the city council shall hear testimony from the tax administrator, operator and/or his representatives, and any other competent witnesses and decide whether the determination of the tax administrator was correct or not, and if not what tax, interest or penalties, if any, are due to the county from the operator. The city council may place any witnesses, including the operator, under oath. The findings of the city council shall be final and conclusive and shall be served upon the appellant in the

manner prescribed in Trinidad Municipal Code TMC 3.20.080 for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.20.100 Record keeping.

A. It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of five years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the tax administrator shall have the right to inspect at all reasonable times. If an operator refuses to make such records available for inspection, the City may issue a subpoena pursuant to Section 37104, et seq., of the California Government Code or utilize any other lawful means to access and inspect such records.

B. Purpose and Performance of the Audit: Operators should be aware that they are subject to audit. Audits are necessary to determine whether operators are accurately reporting occupancy tax and promote compliance. No matter which city department may perform the audit, requests are at the tax administrator's reasonable discretion.

C. When to Perform an Audit: Audits may be performed at the following suggested intervals:

1. Any time the tax administrator believes an operator is underreporting.
2. When there is a pending change in lodging house ownership.
3. Any time the tax administrator believes the business may be subject to the tax but has not registered.
4. At regular intervals, with the time between audits dictated by the number of lodging houses to be audited or staff available to audit.

3.20.110 Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in subsections (B) and (C) of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within one ~~three~~ years of the date of payment.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received by the city ~~when it is established in a manner prescribed by the tax administrator that the person from whom the tax has been collected was not a tourist, provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the tourist or credited to rent subsequently payable by the tourist to the operator.~~

C. A tourist may ~~claim~~obtain a refund of taxes overpaid, ~~or paid more than once,~~ or erroneously or illegally collected or received by the city ~~by filing a claim in the manner provided in subsection (B) of this section,~~ but only when the tax was paid by the tourist directly to the tax administrator, or when the tourist, having paid the tax to the operator, establishes to the satisfaction of the tax administrator that the tourist has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records.

3.20.120 Tax deemed debt to city – Action by city to collect.

Any tax required to be paid by any tourist under the provisions of this chapter shall be deemed a debt owed by the tourist to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the tourist to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount and for attorneys' fees in the enforcement of this chapter.

3.20.130 Violation – Penalty Amendments of Ordinance – Rescission of Tax.

~~A. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be punishable therefor by a fine of not more than \$500.00 or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment. The following amendments to this ordinance must be approved by the voters of the City of Trinidad:~~

1. increasing the tax rate or revising the methodology for calculating the tax such that a tax increase would result; or

2. imposing the tax on tourists or persons not previously subject to the tax.

~~B. Except as provided in subsection A of Section 3.20.130 of this ordinance or as prohibited by law, the City Council may amend this ordinance without submitting the amendment to the voters for approval. Any operator or other person who fails or refuses to register as required in this chapter, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor and is punishable as set forth in subsection (A) of this section. Any person required to make, render, sign, or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the~~

~~determination of any amount due required by this chapter to be made is guilty of a misdemeanor and is punishable as set forth in subsection (A) of this section. [Ord. 92-1 § 1, 2/15/92].~~

C. The City Council may, with a four-fifths vote of the entire Council, rescind the ordinance codified in this ordinance and terminate the tax at any time and without voter approval.

3.20.140 Duration of the Tax

The tax authorized by this Chapter shall remain in effect until repealed in accordance with law.



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION ATTACHED

3. Discussion/Decision regarding Resolution 2022-10; Calling for an Election to Increase the Tourist Occupancy Tax Rate from 8% to 12%.



RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF TRINIDAD A CERTAIN MEASURE RELATING TO A PROPOSED ORDINANCE APPROVING AND AUTHORIZING AN INCREASE TO THE TOURIST OCCUPANCY TAX FOR GENERAL PURPOSES AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; SETTING THE DATES FOR ARGUMENTS ON THE MEASURE; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT TO CONSOLIDATE SAID ELECTION PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, pursuant to Ordinance No. 2022-03, a copy of which is attached as **Exhibit A** hereto, the City Council of the City of Trinidad ("City") approved for the submission to and approval of the qualified voters of the City an increase in the tourist occupancy tax ("TOT") from eight percent (8%) to twelve percent (12%) for general purposes; and

WHEREAS, a locally enacted TOT would protect and maintain the City's essential services because the money is legally required to stay in the community and cannot be taken by the State, providing locally controlled funds for essential services, including but not limited to roads, law enforcement, and other essential services; and

WHEREAS, the City Council has determined that the most prudent, reasonable, and financially responsible action it can take to preserve the fiscal stability of the City and to protect vital services in the City is to place before the voters a ballot measure to approve the local tax measure and to recommend its adoption to the voters; and

WHEREAS, Revenue and Taxation Code Section 7280 authorizes the City to levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging; and,

WHEREAS, on February 15, 1992, the City Council of the City of Trinidad adopted Ordinance No. 92-1 related to the imposition of a TOT and the Ordinance has since been amended by Ordinance No. 92-1 on November 11, 1992, Ordinance No. 2011-02 on August 10, 2011, and Ordinance No. 2020-02 on November 10, 2020; and

WHEREAS, the TOT rate was set at 10% by Ordinance No. 2011-02 on August 10, 2011, and the City Council of the City of Trinidad adopted Resolution No. 2021-14 on November 9, 2021 setting the TOT rate at 12% that was rescinded by Resolution No. 2022-04 on March 8 2022, and the TOT rate was set at 8% by Resolution No. 2022-06 on April 12, 2022; and

WHEREAS, a General Municipal Election will occur on Tuesday, November 8, 2022, at which time the City Council of the City of Trinidad desires and intends to have the qualified voters of the City vote upon the question of whether to adopt the proposed ordinance; and

WHEREAS, the City Council of the City of Trinidad desires that the County of Humboldt Elections Department conduct the municipal election, pursuant to Elections Code Section 10403.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRINIDAD DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election of November 8, 2022, the following question:

Trinidad Tourist Occupancy Tax Measure	
To maintain and improve essential public safety services, including law enforcement, roads, and essential services, shall the City of Trinidad measure to increase the existing tourist occupancy tax rate from 8% to 12%, raising an approximate additional amount of \$65,000 annually, with all funds remaining in Trinidad, be adopted?	Yes
	No

(Ctrl)

SECTION 2. The proposed measure submitted to the voters is attached as **Exhibit A**. The City Council hereby approves the ordinance by a two-thirds vote of the City Council, the form thereof, and its submission to the voters of the City at the November 8, 2022, General Municipal Election, as required by Government Code Section 53274. The ordinance specifies that the rate of the tourist occupancy tax shall be twelve percent (12%) on the rent charged to the tourist.

SECTION 3. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections, including but not limited to Elections Code section 10418.

SECTION 4. Pursuant to the requirements of Section 10403 of the Elections Code, the City Council of the City of Trinidad hereby requests the Board of Supervisors of the County of Humboldt to agree to the consolidation of the Municipal Election with the Statewide General Election on November 8, 2022, and issue instructions to the Humboldt County Elections Department that the election in all respects be held as if there were only one election and to conduct the Municipal Election including the publishing of all election materials, the mailing of sample ballots, the hiring of election officers, canvassing the returns, and the actual conduct of the election.

SECTION 5.

- a. The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on August 12, 2022.
- b. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on August 22, 2022.
- c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments.
- e. Pursuant to California Elections Code Section 9282, Mayor Pro-Tem Jack West is hereby authorized to file a written argument in favor of the proposed measure on behalf of the City Council. The argument may be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote

on the measure. In the event that an argument is filed against the measure, Mayor Pro-Tem West is also authorized to file a rebuttal argument on behalf of the City Council, which may be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure, which may be different from those who signed the primary argument.

f. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument, which it seeks to rebut.

g. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and file the impartial analysis with the City Clerk by August 22, 2022.

SECTION 6. The City of Trinidad recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County of Humboldt for all costs associated with the conduct of the City of Trinidad's municipal election to be held on November 8, 2022; and

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 9. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, "CEQA," and 14 Cal. Code Reg. §§ 15000 *et seq.*, "CEQA Guidelines"). The tourist occupancy tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

NOW, THEREFORE BE IT FURTHER RESOLVED the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Humboldt County Registrar of Voters.

PASSED AND ADOPTED this 14th day of June, 2022, by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

Attest:

Gabriel Adams
City Clerk

Jack West
Mayor Pro-Tem

EXHIBIT A

ORDINANCE NO. 2022-03

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF TRINIDAD APPROVING AND
AUTHORIZING A TOURIST OCCUPANCY TAX TO PROVIDE SUPPLEMENTAL FUNDING
FOR ROADS, LAW ENFORCEMENT, AND ESSENTIAL SERVICES WITHIN THE CITY OF
TRINIDAD**

WHEREAS, the City of Trinidad ("City") has historically levied a tourist occupancy tax, which is currently codified as Chapter 3.20 of the Trinidad Municipal Code;

WHEREAS, Revenue and Taxation Code Section 7280 authorizes the City to levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging; and,

WHEREAS, the tourist occupancy tax is paid only by tourists, and is not a tax on local home or property owners and helps ensure that out of town visitors pay their fair share for services they use such as roads, law enforcement, or other essential services; and

WHEREAS, the City desires to amend the existing tourist occupancy tax to, among other things, increase the rate of such general tax from 8% to 12% for the purpose of funding roads, law enforcement, and other essential services at a rate of twelve percent (12%) on the rent charged to the tourist; and

WHEREAS, the City Council has determined that the most prudent, reasonable, and financially responsible action it can take to preserve the fiscal stability of the City and to protect vital services in our City is to place before the voters a ballot measure to approve the amendments to the existing tourist occupancy tax measure and to recommend its adoption to the voters; and

WHEREAS, if approved, the operative date of the new rate of twelve percent (12%) will be April 1, 2023; and

WHEREAS, the tax, if approved by a majority of the voters, would be authorized until repealed.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF TRINIDAD ORDAIN AS FOLLOWS:

SECTION 1. APPROVAL OF TAX RATE INCREASE. The qualified votes of the City of Trinidad hereby approve and adopt an ordinance increasing the currently imposed tourist occupancy tax, as codified in Chapter 3.20 of the Trinidad Municipal Code, from 8% to 12%, unless sooner repealed by the City Council or by the voters.

SECTION 2. MUNICIPAL CODE AMENDMENT. Chapter 3.20, Tourist Occupancy Tax, of Title 3 of the Trinidad Municipal Code is hereby amended and replaced in its entirety with the following:

Chapter 3.20 TOURIST OCCUPANCY TAX

Sections:

- 3.20.010 Citation of provisions.**
- 3.20.020 Definitions.**
- 3.20.030 Imposed – Rate.**
- 3.20.040 Collection required.**
- 3.20.050 Registration certificate – Required – Contents.**
- 3.20.060 Reports and remittances.**
- 3.20.070 Failure to promptly remit tax – Penalties.**
- 3.20.080 Assessments against operators – Notice and hearing.**
- 3.20.090 Appeals.**
- 3.20.100 Record keeping.**
- 3.20.110 Refunds.**
- 3.20.120 Tax deemed debt to city – Action by city to collect.**
- 3.20.130 Amendments of Ordinance – Rescission of Tax**
- 3.20.140 Duration of Tax**

3.20.010 Citation of provisions.

This chapter shall be known as “the uniform tourist occupancy tax ordinance” of the city.

3.20.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Lodging house” means any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, vacation dwelling unit, short term rental, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location except when located within a mobile home park or RV park, or other similar structure or portion thereof.

“Occupancy” means the use or possession, or the right to the use or possession, of any room or rooms, or portion thereof, in any lodging house for dwelling or sleeping purposes.

“Online Travel Company” means any person, whether operating for profit or not for profit, which enables tourists to purchase occupancy of space in a hotel via the Internet, or by similar electronic means.

“Operator” means the person who is proprietor of the lodging house, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing or booking agent of any type or character other than an employee, including but not limited to an online travel company, the managing/booking agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing/booking agent shall, however, be considered to be compliance by both.

“Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination existing as a unit.

“Rent” means the total consideration charged to the tourist, (including but not limited to, room rates, service charges, retail markup, commissions, processing fees, cancellation charges, attrition fees or online booking fees), whether or not received, for the occupancy of space for lodging valued in money, including all receipts, cash, credits and property services of any kind or nature, without any deduction therefrom whatsoever.

“Tax administrator” means the city clerk.

“Tourist” means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a tourist until the period of 30 days has expired.

3.20.030 Imposed – Rate.

For the privilege of occupancy in any lodging house, each tourist is subject to, and shall pay, a tourist occupancy tax (“TOT”). The TOT constitutes a debt owed by the tourist to the city. The tourist shall pay the TOT to the lodging house operator based on the rent charged by the operator at the time the rent is paid. If the rent is paid in installments, a proportionate share of the TOT shall be paid with each installment. The unpaid TOT shall be due upon the tourist’s ceasing to occupy space in the lodging house. If for any reason the TOT due is not paid to the lodging house operator, the tax administrator may require that such TOT shall be paid directly to the tax administrator.

The TOT is hereby set in the amount of eight (8) percent of the rent charged by the operator until March 31, 2023. Beginning April 1, 2023, the TOT is hereby set in the amount of twelve (12) percent of the rent charged by the operator.

3.20.040 Collection required.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every tourist. The amount of tax shall be separately stated from the amount of the rent charged, and each tourist shall receive a receipt for payment from the operator. No operator of a lodging house shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided under this chapter.

3.20.050 Registration certificate – Required – Contents.

A. Within 30 days after the effective date of the ordinance codified in this chapter, or within 30 days after commencing business, whichever is later, each operator of any lodging house renting occupancy to tourists shall register such lodging house with the tax administrator and obtain from him a tourist occupancy registration certificate to be at all times posted in a conspicuous place on the premises.

B. Such certificate shall, among other things, state as follows:

1. Name of the operator;
2. The address of the lodging house;
3. The date upon which the certificate was issued; and
4. This tourist occupancy registration certificate signifies that the person named on the face thereof has fulfilled the requirements of the uniform tourist occupancy tax ordinance by registering with the tax administration for the purpose of collecting from tourists the tourist occupancy tax and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a lodging house without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit.

3.20.060 Reports and remittances.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax administrator, make a return to the tax administrator, on forms provided by him, of the total rents charged and received and the amount of tax collected for tourist occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to ensure collection of the tax and he may require further information in the return. Returns and payments are due immediately upon cessation

of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax administrator.

3.20.070 Failure to promptly remit tax – Penalties.

A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of 10 percent of the amount of the tax in addition to the amount of the tax.

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10 percent of the amount of the tax in addition to the tax and the 10 percent penalty first imposed.

C. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (A) and (B) of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provision of this section shall become a part of the tax required to be paid under this chapter.

3.20.080 Assessments against operators – Notice and hearing.

A. If any operator fails or refuses to collect such tax and to make, within the time provided in this chapter, any report and remittance of such tax or any portion thereof required this chapter, the tax administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due.

B. As soon as the tax administrator procures such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter.

C. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within 10 days after the serving and mailing of such notice make application in writing to the tax administrator for a

hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable.

D. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in such notice why such amount specified therein should not be fixed for such tax, interest, and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed.

E. After such hearing, the tax administrator shall determine in the manner prescribed in this section of such determination the amount of such tax, interest, and penalties. The tax administrator shall thereafter give written notice in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided in this chapter.

3.20.090 Appeals.

Any operator aggrieved by any decision of the tax administration with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing notice of appeal with the city clerk within 15 days of the service or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at the last known place of address. At the time set for the hearing, or at the date to which the hearing may be continued by the city council, the city council shall hear testimony from the tax administrator, operator and/or his representatives, and any other competent witnesses and decide whether the determination of the tax administrator was correct or not, and if not what tax, interest or penalties, if any, are due to the county from the operator. The city council may place any witnesses, including the operator, under oath. The findings of the city council shall be final and conclusive and shall be served upon the appellant in the manner prescribed in Trinidad Municipal Code 3.20.080 for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.20.100 Record keeping.

A. It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of five years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the tax administrator shall have the right to inspect at all reasonable times. If an operator refuses to make such records available for inspection, the City may issue a subpoena pursuant to Section 37104, et seq., of the California Government Code or utilize any other lawful means to access and inspect such records.

B. Purpose and Performance of the Audit: Operators should be aware that they are subject to audit. Audits are necessary to determine whether operators are accurately reporting occupancy tax and promote compliance. No matter which city department may perform the audit, requests are at the tax administrator's reasonable discretion.

C. When to Perform an Audit: Audits may be performed at the following suggested intervals:

1. Any time the tax administrator believes an operator is underreporting.
2. When there is a pending change in lodging house ownership.
3. Any time the tax administrator believes the business may be subject to the tax but has not registered.
4. At regular intervals, with the time between audits dictated by the number of lodging houses to be audited or staff available to audit.

3.20.110 Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in subsections (B) and (C) of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within one year of the date of payment.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received by the city.

C. A tourist may claim a refund of taxes overpaid, paid more than once, or erroneously or illegally collected or received by the city.

D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records.

3.20.120 Tax deemed debt to city – Action by city to collect.

Any tax required to be paid by any tourist under the provisions of this chapter shall be deemed a debt owed by the tourist to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the tourist to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount and for attorneys' fees in the enforcement of this chapter.

3.20.130-Amendments of Ordinance – Rescission of Tax.

A. The following amendments to this ordinance must be approved by the voters of the City of Trinidad:

1. increasing the tax rate or revising the methodology for calculating the tax such that a tax increase would result; or

2. imposing the tax on tourists or persons not previously subject to the tax.

B. Except as provided in subsection A of Section 3.20.130 of this ordinance or as prohibited by law, the City Council may amend this ordinance without submitting the amendment to the voters for approval

C. The City Council may, with a four-fifths vote of the entire Council, rescind the ordinance codified in this ordinance and terminate the tax at any time and without voter approval.

3.20.140 Duration of the Tax

The tax authorized by this Chapter shall remain in effect until repealed in accordance with law.

SECTION 3. EFFECTIVE DATE. This ordinance relates to the levying and collecting of a general tourist occupancy tax and shall take effect only if approved by a majority of the voters voting on the measure at the November 8, 2022, General Municipal Election and shall become effective ten (10) days after the City Council declares and certifies by resolution the results of the election and that the measure was approved by a majority of the voters voting thereon.

SECTION 4. PUBLICATION. Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this ordinance and shall cause it to be published according to law.

SECTION 5. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The tax enacted by this Ordinance is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060 CEQA analysis is not required.

SECTION 6. SEVERABILITY. Should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this ordinance as hereby adopted shall remain in full force and effect.

INTRODUCED, PASSED, AND SUBMITTED TO THE VOTERS FOR ADOPTION by the City Council of the City of Trinidad on the 14th day of June, 2022, by at least a two-thirds vote of the City Council, as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Gabriel Adams
City Clerk

Jack West
Mayor Pro-Tem



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION ATTACHED

4. Continued Discussion/Presentation regarding FY 2022-2023 Budget.

Materials for this item were being developed at the time the packet was published. Information will be added to the packet prior to the meeting for review/presentation.



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION ATTACHED

5. 2022 General Election Calendar and Upcoming Deadlines.

DISCUSSION/ACTION AGENDA

Date: Tuesday, May 24, 2022

NOVEMBER 2022 CITY ELECTION CALENDAR

June

- Prepare/Present/Announce the upcoming election season calendar
- Propose First Reading of Amended Occupancy Tax Ordinance.
- Adopt Resolution Directing Staff to Prepare Occupancy Tax Increase Ballot Measure

July

- Publish Election Notice for (3) Upcoming November Council Seats & Sales Tax Election
- Candidate Nomination Period opens.

August

- Filing period for City Council Candidate nominees closes in early August (date to be specified at the regular meeting in June).
- Prepare Impartial Analysis, and Arguments For/Against the Occupancy Tax Increase Measure.

September

- Coordinate and prepare ballot details (candidate statements, ballot proofs, etc.) with County Elections office.

October

- Publish notification of (3) upcoming Planning Commission vacancies

November

- General Election, Tuesday, November 08, 2022.

December

- When County Elections results are certified, swear in new Council members, appoint Mayor, and re-distribute or confirm Committee/Commissionership assignments.